Tuesday
5th April, 1949

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

Official Report

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CONSTITUENT ASSEMBLY OF INDIA

(LEGISLATIVE)

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

Tuesday, 5th April, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

EXPENDITURE ON EMPLOYMENT EXCHANGES

***1632. Dr. Mono Mohan Das:** Will the Honourable Minister of Labour be pleased to state:

(a) the total expenditure that has been incurred by Government during the year 1948-49 for maintaining the "Employment Exchange" with its branch offices all over the country; and

(b) the total number of people that have been given employment during 1948-49 by the "Exchange"?

The Honourable Shri Jagjivan Ram: (a) For the first ten months of 1948-49 (April 1948 to January 1949) an expenditure amounting to a gross total of Rs. 28,69,600 was incurred for maintaining the Employment Exchanges spread all over the country. The Central Government's share towards this expenditure is Rs. 18,07,680 only.

(b) 2,33,039 persons were found jobs during the same period by the Employment Exchange Organisation.

Dr. Mono Mohan Das: What is the expenditure *per capita* incured by Government on people who receive employment through these Exchanges?

The Honourable Shri Jagjivan Ram: It is 12·2 rupees.

Dr. Mono Mohan Das: May I know if any fee is charged at the time of registration or of employment?

The Honourable Shri Jagjivan Ram: No fee is charged at any stage.

Dr. Mono Mohan Das: May I know how many training and vocational centres are working now under these Exchanges?

The Honourable Shri Jagjivan Ram: I have not got the figures about the centres.

Prof. N. G. Ranga: Are any steps being taken to provide these Employment Exchange facilities to migratory agricultural labour?

The Honourable Shri Jagjivan Ram: Some of the provincial Governments are starting district employment officers and our programme is to register all categories of labour including agricultural labour.

Shri V. C. Kesava Rao: Is there any proposal to make this organisation permanent?

The Honourable Shri Jagjivan Ram: In the Labour Ministers' Conference a decision was taken to make this organisation permanent. But with regard to the centre there is at present a constitutional difficulty, employment being in the State list. If in the draft constitution it is included in the concurrent list that difficulty may be removed.

Shri Mahavir Tyagi: May I know what part of this expenditure was incurred on publicity and on advertising the achievement of the department?

The Honourable Shri Jagjivan Ram: For expenditure under the separate heads I shall require notice.

FOREIGN DEPUTATIONS SENT DURING 1948-49

*1633. **Dr. Mono Mohan Das:** (a) Will the Honourable the Prime Minister be pleased to state how many foreign deputations have been sent during the year 1948-49 and to what countries?

(b) What is the total expenditure incurred by the Government for sending such deputations to foreign countries?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) and (b). A statement giving the required information is placed on the table of the House.

STATEMENT

Sponsoring Ministry	Number of Foreign deputation	Purpose of deputation	Country to which sent	Cost incurred
1	2	3	4	5
				Rs. A. P.
I. Finance	1	To attend the 3rd session of the U.N. Commission on Narcotic Drugs.	U.S.A.	3,862 6 0
	2	Sterling Balances Delegation	U. K.	1,40,000 0 0
	3	To attend the annual meeting of the Board of Governors of the International Monetary Fund and the International Bank.	U.S.A.	Not known.
	4	To attend the Conference of Sterling Areas.	U. K.	...
II. Food	5	Deputation of Mr. H. L. Khanna to supervise the shipping of rice.	Egypt	14,400 0 0
	6	Deputation to negotiate the wheat agreement for 1948-49.	Australia	16,850 0 0
	7	Deputation to supervise purchase etc. of rice.	Indo-China	7,400 0 0
	8	To negotiate price for Australian wheat.	Australia	17,382 0 0
	9	To negotiate purchase of food-grains.	U.S.A	15,400 0 0
	10	To negotiate rice prices for 1949.	Burma	2,800 0 0
III. Labour	11	First session of the International Labour Office Industrial Committee meeting on chemicals	France	6,700 0 0
	12	Correspondence committee of I.L.O. on Social Insurance.	Canada	Expenses borne by I.L.O.
	13	Thirty-first session of the Int. Labour Conference.	U.S.A.	1,47,000 0 0
	14	Technical Tripartite Conference of I.L.O. to examine Draft Model Code of Safety Regulations for Factories.	Switzerland.	14,000 0 0

1	2	3	4	5
				Rs. A. P.
	15	Second session of the I.L.O. Industrial Committee on Textiles.	Switzerland	5,500 0 0
	16	Technical Conference of the Representatives of the Labour Inspection services.	Ceylon	750 0 0
	17	Expert Committee of the Joint Maritime Commission (ILO).	Switzerland	Not known.
	18	107th session of the Governing Body of the ILO.	Ditto.	8,000 0 0
	19	ILO Committee of Statistical experts.	Ditto.	Expenses borne by ILO.
	20	3rd session of the Permanent Migration Committee.	Ditto.	Expenses met by the Delegation at Berne.
	21	ILO meeting of experts on Safety in coal mines.	Ditto.	Expenses borne by ILO.
	22	108th session of the Governing body of the ILO.	Ditto.	8,000 0 0
	23	Second session of the ILO Industrial Committee on Building, Civil Engineering and Public Works.	Italy	Not known.
IV. Health	24	17th International Red Cross Conference.	Sweden	Ditto.
	25	4th International Congress on Tropical Medicine and Malaria.	U.S.A.	12,200 0 0
	26	The International Leprosy Congress.	Cuba	17,350 0 0
	27	The first International B. G. Congress.	France	1,500 0 0
	28	Delegation to study the various Medical Research Institutes.	U. S. A.	Not known.
	29	Delegation to contact leading manufacturers of pre-fabricated houses with a view to advise Government regarding the erection of factories for the construction of pre-fabricated houses in India and attendance at the International Congress for housing and Town Planning at Zurich as an observer of the Govt. of India.	U. K.	5,555 7 0
	30	Health Congress of Royal Sanitary Institute.	U. K.	Not known.
	31	Study of methods of manufacture of Penicillin and Sulpha drugs etc.	U.S.A., U.K. Canada and Sweden.	25,000 0 0
	32	Conference for the 6th decennial revision of the International lists of diseases and causes of deaths.	France	Not known
	33	Indian delegation to the 1st World Health Assembly.	Switzerland	Ditto.
	34	Purchase of plant and machinery badly needed for the Delhi Joint Water and Sewage Board.	U. K.	Ditto.
V. Education	35	11th International Congress on Public education convened jointly by UNESCO and the International Bureau of Education.	Switzerland	10,000 0 0
	36	Seminar on the education and training of Teachers organised by UNESCO.	U. K.	Not known.

1	2	3	4	5
				Rs. A. P.
	37	Preparatory International Conference of University representatives convened jointly by UNESCO and the Netherlands Govt.	Holland	10,184 0 0
	38	International Conference of High Attitude Research.	Switzerland	Not known.
	39	International Protection of Nature Conference convened, jointly by UNESCO and the French Government.	France	Nil.
	40	3rd session of the UNESCO General Conference.	Lebanon	45,000 0 0
	41	7th Int. Congress of Applied Machines.	U. K.	3,144 0 0
	42	The Int. Youth Conference	U. K.	995 0 0
	43	The International Congress of Orientalists.	France	2,992 0 0
	44	3rd session of the International Congress of Anthropological and Ethnological Sciences.	Belgium	5,000 0 0
	45	Deputation of Scientists abroad	U.S.A. and Europe	48,000 0 0
	46	Delegation for Investigation of Borobodur Temple in Indonesia.	Indonesia	5,644 7 3
	47	Delegation to undertake a tour of European countries to collect material for the establishment of National Central Library at Delhi.	European countries	3,475 0 0
VI. Communications.	48	To represent India on the Executive and Liaison Committee of the Universal Postal Union and To finalise arrangements for the printing of Mahatma Gandhi Memorial stamps.	Switzerland	1,052 0 0
	49	For studying the British Post Office system.	U. K.	13,800 0 0
	50	To represent India on the Executive and Liaison Committee of the Universal Postal Union.	Switzerland	3,992 0 0
	51	Delegation in connection with the meeting of the Provisional Frequency Board.	Ditto.	80,000 0 0
	52	Deputation in connection with finalising arrangements for setting up of Telephone Manufacturing Factory in India.	Switzerland & U. K.	10,000 0 0
	53	Ditto.	U. K.	15,000 0 0
	54	Deputation to finalise modifications in the plan for Automatization of the Calcutta Telephone system prepared by the British Post Office Engineers in consultation with them and to arrange for demonstration and training equipment for the training classes in India.	U. K.	6,360 0 0
	55	To attend the annual meeting of U.K. the Commonwealth Communications Council	U. K.	3,000 0 0

1	2	3	4	5		
				Rs.	A.	P.
	56	Deputation in connection with the establishment of a Telephone factory in India. To attend to the printing of Gandhi Memorial stamps; and to attend the meeting of the Communication and Transport (Council).	Switzerland	7,060	0	0
	57	To attend the Provisional Frequency Registration Board meeting.	Ditto.	9,806	0	0
	58	To attend the meeting of the South West Pacific Regional Commission of the International Meteorological Organization.	New Zealand	5,122	0	0
	59	To attend the meeting of the Executive Council of the Int. Meteorological Organization and Meeting of the International Union of Geodesy and Geophysics.	Norway	5,849	8	0
	60	International Conference of High Attitude Research.	Switzerland	included in above.		
	61	For negotiations for the conclusion of a bilateral agreement with Pakistan relating to the operation of scheduled air services between India and Pakistan.	Pakistan	1,149	0	0
	62	To attend :- (i) ICAO Facilitation of Air Transport Division meeting. (ii) ICAO Legal Committee meeting. (iii) ICAO second Assembly meeting.	Switzerland	12,085	0	
	63	For attending the 3rd session of the Communications Division of the ICAO.	Canada	9,615	0	
VII. Railways	64	Deputation of Mechanical Engineers to Germany and Central Europe for recruitment of technical personnel required for various construction projects on Indian Govt. Railways.	Germany and Central Europe	29,000	0	0
	65	A deputation of Mechanical Engineers for negotiating purchase of Locomotives and Wagons.	Japan	9,700	0	0
	66	Deputation of Traffic Officer as Adviser to the Indian Delegation to the Transport and Communications Division of U.N. and to study the statistical methods of day-to-day operation on Railways.	Switzerland & U.K.	8,000	0	0
	67	A deputation of the Chief Commissioner of Railways for investigating manufacturing capacity for locomotives for Indian Government Railways.	U.K. Europe & U.S.A.	7,000	0	0
VIII. Agriculture	68	Indian delegation to the International Rinderpest Conference.	East Africa			
	69	Indian delegation to the specialist Conference on tropical and sub-tropical soils.	U.K.			

1	2	3	4	5
				Rs. A. P.
	70	Deputation of two officers for collecting information on seasoning of wood etc.	U.S.A., U.K. & Canada.	
	71	Indian delegation to the 4th Commonwealth Mycological Conference.	U. K.	
	72	Indian delegation to the 5th Commonwealth Entomological Conference.	U. K.	
	73	Deputation to attend the meeting of the Technical Sub-Committee of the S.E.A. Liaison Officers meeting.	Singapore	
	74	Deputation to attend the Anti-Locust Convention.	Iran	*1,51,083 0 0
	75	Indian delegation to the inaugural meeting of the International Rice Commission.	Siam	
	76	Deputation to attend the second session of the World Food Council of the United Nations Food and Agriculture Organization.	U.S.A.	
	77	Deputation of Mr. B.R. Sen, ICS, to act as Chairman of the FAO/ECAFE Joint Working Party on Agricultural Requisites.	U.S.A.	
	78	Indian Delegation to the 4th session of the FAO of the UN.	U.S.A.	
IX. Industry & Supply.	79	To study the latest developments in the field of plastics.	U.K. & U.S.A.	13,180 0 0
	80	Delegation to :— (i) obtain, if possible, increased supplies of steel, (ii) examine the working of the DG (ISD) and ISM with a view to their reorganisation (iii) discuss how far foreign countries can assist India in connection with contemplated development projects.	U.K., U.S.A., Belgium, Luxemburg, & Switzerland.	7,850 0 0
X. Works, Mines & Power.	81	National Congress on Housing and Town Planning	Switzerland.	5,705 5 0
	82	International Geological Congress	U. K.	
	83	Specialist Conference on Geology and Mineral resources	U. K.	0,000 0 0
	84	International Commission on Large Dams.	Sweden	
	85	International Association of Hydraulic Structure.	Ditto.	
	86	International Commission on soil Mechanics and Foundation Engineering.	Holland	16,795 5 0
XI. Transport	87	Delegation to the 2nd session of the Transport and Communications Commission.	Switzerland	Nil as Mr. V.K.R. Menon was in Geneva.
	88	Delegation to the 3rd session of the Transport and Communications Commission.	New York	Not known.
XII. I & B	89	To attend the UN Conference on Freedom of Information.	Switzerland	Ditto.
	90	To represent India on the Planning Committee of the High Frequency Broadcasting Conference.	Ditto.	Ditto.
	91	To participate in the High Frequency Broadcasting Conference.	Mexico	Ditto.
	92	To participate in the meeting of the Radio Programme Committee.	France	Ditto.

1	2	3	4	5		
				Rs.	A.	P.
XIII. Commerce	93	A deputation to informally discuss with U.K. Ministry of Transport certain matters concerning acquisition of tonnage and entry Indian shipping to overseas Trade.	U.K.	Not known		
	94	A deputation to conduct negotiations with the Govt. of Ceylon for supplies of copra.	Ceylon	1,326	9	0
	95	For organising India Pavilion at the displays :— (i) Milan Fair, Italy, held from 26.4.48 to 16.5.48. (ii) Canadian National Exhibition, 1948, held from 27-8-48 to 11.9.48.	Italy and Canada.	24,000	9	0
	96	Indian delegation to the second session of the contracting parties to the General Agreement on Tariffs and Trade and the 2nd session of the Executive Committee of the Interim Commission for International Trade Organisation.	Switzerland	64,000	0	0
	97	Cotton delegation to negotiate the purchase of long staple raw cotton for India on a barter basis (in exchange for Indian commodities such as jute, tea, hides and skins, cotton piece goods and tobacco).	Egypt	12,500	0	0
	98	Cotton delegation to finalise the arrangements for the bulk purchase of India's requirements of East African cotton 1948-49 crop, conjointly with the U.K. Raw Cotton Commission.	East Africa.	20,000	0	0
	99	Delegation to the International Conference on the Safety of Life at Sea.	U.K.	20,523	0	0
	100	Delegation to negotiate an agreement for the mutual exchange of certain essential commodities.	Pakistan			
	101	Delegation to discuss with Pakistan the question of implementing the Karachi (May 1948) agreement in respect of raw jute to be supplied to India by Pakistan (in July 1948).	Ditto.	11,000	0	0
		A delegation to enter into an Agreement with Pakistan for proper fulfilment of Karachi (May 1948) agreement (Oct. 48).				
	103	A delegation for discussing the question of supply of raw cotton and raw jute to India (December 1948).	Ditto.			
	104	Trade delegation to discuss the possibilities of concluding overall sterling area trade arrangement with SCAP.	Japan	3,100	0	0
	105	Trade Delegation	Iran	Not known.		
	106	Trade Delegation	Afghanistan	16,500	0	0
	107	Indian Trade Delegation	Germany, France and Czechoslovakia.	18,000	0	0

2		3	4	5
				Rs. A. P.
	108	Delegation for collecting information about the possibility of developing export.	Philippines.	5,000 0 0
XIV. Department of Scientific Research.	109	Deputation in connection with work of the Atomic Energy Commission.	U.K. & certain countries of Europe.	
	110	A delegation of 4 Scientists as guests of the Australian Govt. to tour Scientific Institutions in Australia.	Australia	32,000 0 0
	111	Delegation to the 2nd special session of the General Assembly of the United Nations.	U.S.A.	850 4 0
	112	Third regular session of the General Assembly of the United Nations.	France	4,45,492 0 0
	113	Delegation to the 8th session of the Economic and Social Council.	Switzerland.	12,000 0 0 (Approx.)
	114	Delegation to the 3rd session of the Commission on Human Rights.	U.S.A.	11,000 0 0 (Approx.)
	115	Delegation to the 2nd session of the Statistical Commission.	U.S.A.	2,966 8 0
	116	Delegation to the secon dsession of the Sub-Commission of Statistical Sampling.	Switzerland	Paid by U.N.
	117	Delegation to the 4th session of the Economic Commission for Asia and the Far East.	Australia	23,000 0 0
	118	Delegation to the 3rd session of the Economic and Employment Commission.	U.S.A.	2,744 10 0
	119	Delegation to the 3rd session of the Commission on the Status of Women.	Lebanon.	Not known.
	120	Delegation to the 2nd session of the Sub-Commission on Economic Development.	U.S.A.	Borne by the U. N.
	121	Delegation to the Security Council in connection with Kashmir dispute. (The delegation went in January 1948 but continued to work there during 48-49 also.)	U.S.A.	2,73,000 0 0
	122	Delegation to the Security Council for the Hyderabad Question.	France	10,000 0 0
	123	Delegation to the Inter-Dominion Conference held in connection with the sale etc. of the evacuee property.	Pakistan	12,000 0 0
	124	International Conference of the Legal Profession.	Holland	10,000 0 0
	125	Delegation to the Korean Commission.	Korea	12,000 0 0
	126	Commonwealth Prime Minister's Conference.	U. K.	20,000 0 0
	127	Ethiopian Goodwill Mission	Ethiopia	23,000 0 0
	128	Goodwill Mission to Bahrain and Kuwait.	Bahrain and Kuwait.	625 12 0
		GRAND TOTAL		21,65,346 10 3 (Approximately

Dr. Monomohan Das: May I know whether trade delegations are included in the list?

Dr. B. V. Keskar: Yes, Sir.

STARTING LOTTERIES FOR REHABILITATION OF REFUGEES

*1634. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state whether any institution or concern has suggested to Government to start lotteries for the purpose of rehabilitating displaced persons?

(b) If so, has such a proposal been considered and with what result?

The Honourable Shri Mohan Lal Saksena: (a) Yes.

(b) The proposal has not been approved.

Shri R. K. Sidhva: May I know the reasons why it is not approved?

The Honourable Shri Mohan Lal Saksena: I think I gave the reasons before. They are:

(i) Government do not subscribe to the view that the end justifies the means. Lotteries only appeal to the gambling instincts and should not be encouraged by Government on moral grounds;

(ii) Those who will gamble (and there may be refugees among them) may not be in a position to afford to do so.

(iii) Government accepted the task of rehabilitation of refugees as a sacred trust to be discharged out of its general resources. It could not be held that lack of funds alone was responsible for delay in this work;

(iv) For a Government to resort to a lottery for raising funds was to admit its bankruptcy and would adversely affect its credit both inside and outside the country;

(v) It might affect contributions by the public towards loan floated by Government and towards certain other national funds;

(vi) It is not the policy of Government to raise separate funds to meet any particular expenditure;

(vii) The sale of tickets would have to be limited to India only as sale of tickets in foreign countries might involve exchange complications;

(viii) Government having in recent years banned the sale of lottery tickets of certain foreign countries (Burma, Malta and Goa) could not now sell lottery tickets in foreign countries;

(ix) The expectation that the lottery would raise large amounts is not justified and might prove to be wrong.

Shri R. K. Sidhva: May I know whether the Prize Bond system of the present Government comes within the category of lottery?

The Honourable Shri Mohan Lal Saksena: The Honourable Member is aware that the present Government is not responsible for introducing the Prize Bond system. It was introduced by the previous Government during the war.

Shri R. K. Sidhva: But is not the system being continued?

Mr. Speaker: That is a matter of opinion.

Shri V. C. Kesava Rao: Has any scheme of rehabilitation been held up for want of funds?

The Honourable Shri Mohan Lal Saksena: Unless the honourable member refers to any particular scheme I cannot reply off-hand.

CONDITIONS OF SERVICE OF INDIAN SEAMEN EMPLOYED IN FOREIGN COMPANIES

*1635. **Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Commerce be pleased to state whether Indian seamen employed by foreign

companies are getting the same conditions of service regarding pay and other benefits as the seamen of other nationalities?

(b) If the answer to part (a) above be in the negative, what steps are proposed to be taken for the benefit of Indian seamen?

The Honourable Shri K. C. Neogy: (a) and (b). The wages and certain other conditions of service of Indian seamen employed by foreign companies are not as favourable as those enjoyed by seamen of other nationalities. This disparity does not obtain in the coastal trade, but only in the overseas trades, as in the coastal trade non-Indian crews are not generally employed. The conditions on which Indian seamen are employed are primarily a matter for resettlement between employers and the seamen themselves. But Government have used their good offices as and when appropriate occasions arose in securing improvement in such conditions. The wages of Indian seamen have increased by 400 per cent. since 1939. Government can reasonably claim that this improvement has in no small measure been due to their efforts. It is the intention of Government to have the conditions of employment of Indian seamen progressively improved till they reach the standards prescribed for them in the various Maritime International Labour Conventions adopted in 1946. To secure this objective Government use their good offices with the Maritime Boards that have been formed in Calcutta and Bombay and at International Labour Conferences where their representatives endeavour to secure the early ratification of the various International Conventions by other countries whose ships employ Indian seamen.

Shri V. C. Kesava Rao: May I know the comparative wages paid to seamen in America, Britain, China and India?

The Honourable Shri K. C. Neogy: I have the figures for the U.K. So far as the U.K. is concerned, the wages of an Indian deck-hand before the war used to be Rs. 25 per month; now the wages stand at Rs. 125. So far as the British rates are concerned, the pre-war rate was Rs. 135, and now it has been raised to Rs. 270 per month.

Shri B. N. Munavalli: On how many occasions were the good offices of Government used and with what results?

The Honourable Shri K. C. Neogy: A number of international conferences have taken place at which such questions were discussed and also in the organisation of the Maritime Boards which have now been functioning, and recently Government have decided to participate in the Maritime Boards which were of a bipartite character previously and now with the admission of Government representatives on these Boards they will be tripartite in character. It is these Boards which will be concerned with detailed negotiations in this behalf with the employers.

Prof. Shibban Lal Saksena: Is there any difference in the kind of work performed by the Indian seamen and the other seamen for the difference in wages to be so great?

The Honourable Shri K. C. Neogy: That is really the justification put forward by the employers.

Shri R. K. Sidhva: The Honourable Minister stated that Indian seamen today draw 400 per cent. more wages. May I know the comparative figures of the other countries?

The Honourable Shri K. C. Neogy: I have given the figures. In the case of the U.K. seamen it rose from 135 to 270 and in the case of the Indian seamen it rose from 25 to 125.

Prof. N. G. Ranga: Are any steps being taken to provide welfare facilities for Indian seamen in London and Liverpool?

The Honourable Shri K. C. Neogy: That does not directly arise—but yes.

Srijut Baladhar Chaliha: May I know whether the amenities given to our seamen are the same as those given to European seamen on board the ships?

The Honourable Shri K. C. Neogy: Not exactly the same in character.

Prof Shibban Lal Saksena: May I know if there is any difference in the hours of work of the Indian seamen and the British seamen?

The Honourable Shri K. C. Neogy: There used to be a difference in the hours of work, but we have definitely insisted upon equality so far at least as hours of work are concerned.

Dr. V. Subramaniam: May I know whether they are employed by the companies on an annual basis and the number of days of work which they must put in?

The Honourable Shri K. C. Neogy: As far as I know they are not employed on an annual basis.

Prof. N. G. Ranga: Is there any disparity in the food supplied to the Indian seamen and the English seamen?

The Honourable Shri K. C. Neogy: As far as I am aware, yes.

Prof N. G. Ranga: Has there been any improvement in the food supplied to Indian seamen?

The Honourable Shri K. C. Neogy: Yes, that has been my information.

Shri V. C. Kesava Rao: May I know whether the training of seamen is included in the terms of reference of the Indian Merchant Navy Officers Training Committee?

The Honourable Shri K. C. Neogy: That is so: as a matter of fact the Committee is just now engaged on an inquiry into this particular question; they have reported on other matters but their report on this particular question is awaited.

Shri R. K. Sidhva: May I know whether steps have been taken to remove the distinctions existing between rest houses for Indian seamen and European seamen?

The Honourable Shri K. C. Neogy: All this is under consideration.

Prof. Shibban Lal Saksena: May I know the number of Indian seamen employed on British and other liners?

The Honourable Shri K. C. Neogy: I am afraid I cannot give the number straightway.

MEMBERSHIP OF I.N.T.U.C., A.I.T.U.C. AND SOCIALIST GROUP

*1686. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Labour be pleased to state the total membership of the affiliated Unions of the I.N.T.U.C., A.I.T.U.C. and the Socialist group (labour)?

(b) How many strikes were sponsored by each one of them during 1948?

(c) Which of the three is recognised by Government?

The Honourable Shri Jagjivan Ram: (a) Information regarding the total number of affiliated unions and membership as on the 31st December, 1948 was called for from the Indian National Trade Union Congress, All India Trade

Union Congress and the Hind Mazdoor Sabha. The respective claims of these organisations are given in the statement below:

Name of the organisation.	*Number of unions*	*Membership on 31st Dec. 1947*
Indian National Trade Union Congress	767	986,983
All-India Trade Union Congress	737*	6,86,727*
Hind Mazdoor Sabha	389	6,16,862

These figures have not yet been verified.
* The figures include Unions in French India and Unions which have since disaffiliated or sought disaffiliation.

(b) Government have no information of the number of strikes sponsored by each organisation. The total number of strikes, however, during the quarters ending the 31st March and the 30th June 1948 were 360 and 353 respectively. The provisional figures for the period July to December, 1948, are as follows:

Month	*Total number of strikes*
July ...	86
August ...	85
September ...	76
October ...	90
November ...	89
December ...	95

(c) All of them have been recognised by Government.

Prof. N. G. Ranga: Is it not a fact that the A.I.T.U.C. as well as the Hind Mazdoor Sabha have disavowed all responsibility for implementing the Industrial Truce?

The Honourable Shri Jagjivan Ram: This is not equally true in the case of both the organisations. The All-India Trade Union Congress from the very beginning did not accept the Industrial Truce Resolution. The Hind Mazdoor Sabha accepted it in writing. As to how far they have implemented it I am not in a position to give any definite reply at this stage.

Shri R. K. Sidhva: May I know under part (b) how many strikes were successful and how many failed?

Mr. Speaker: Successful? It is a matter purely of opinion.

EXPORT OF MICA

*1637. **Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether it is a fact that the exports of Mica have declined and if so, why?

(b) What action is being taken in the matter?

The Honourable Shri N. V. Gadgil: (a) No.

(b) Does not arise.

Mr. K. T. M. Ahmed Ibrahim: May I know what steps have been taken for the implementation of the recommendations of the Mica Enquiry Committee?

The Honourable Shri N. V. Gadgil: The matter is under consideration.

Dr. V. Subramaniam: What is the total tonnage of export allowed of mica—the quantity produced and the quantity exported?

The Honourable Shri N. V. Gadgil: For which particular year?

Dr. V. Subramaniam: For last year.

The Honourable Shri N. V. Gadgil: In 1947 the quantity of mica export was 192,671 cwt. During 1948 it has gone up to 349,488 cwt.

Prof. N. G. Ranga: Are any steps being taken to provide processing facilities to the mica miners and also dollar exchange so that they can import the necessary machinery for developing processing here?

The Honourable Shri N. V. Gadgil: That also is under consideration because this is one of the recommendations of the Mica Enquiry Committee.

Babu Ramnarayan Singh: Are any steps being taken to see that mica may be consumed in this country?

The Honourable Shri N. V. Gadgil: To the extent possible this will be done.

INDIAN CONSULATES AND EMBASSIES

*1638. **Shri Brajeshwar Prasad:** (a) Will the Honourable the Prime Minister be pleased to state how many Consulates and Embassies have been established after the last Budget Session?

(b) What are the names and salaries of those who have been appointed either as Ambassadors, Consuls or Consul-Generals

(c) What are the names of the places where these Consulates and Embassies have been established?

(d) What is the total number of officers in each such Consulate and Embassy?

Dr. B. V. Keskar (Deputy Minister of External Affairs): A statement is laid on the table of the House.

STATEMENT

Showing Embassies, Legations, Consulates-General, Consulates etc. opened since the 31st March 1948.

Serial No.	Name and designation of Head of Mission	Salary	Station	Total number of gazetted officers in the Mission.	
1	Wing Commander Rup Chand, Ambassador of India in Afghanistan	Rs. 3,000 p.m.	Kabul	Ambassador	1
				First Secretary	1
				Cultural Relations Officer	1
				Third Secretary	1
				Information Officer	1
				Registrar	1
				Total	6
2	Diwan Chaman Lall, Bar.-at-Law, Ambassador of India in Turkey	Rs. 3,000 p.m.	Ankara	Ambassador	1
				Counsellor	1
				First Secretary	1
				Commercial Attache	1
				Registrar	1
				Total	5
3	Mr. N. Raghavan, Bar-at-Law, Ambassador of India in Czecho-slovakia.	Rs. 3,000 p.m.	Prague	Ambassador	1
				First Secretary	1
				Second Secretary	1
				Information Officer	1
				Registrar	1
				Total	5
4	Mr. R. S. Moni, I.C.S., Charge d' Affaires, Embassy of India in Italy.	Pay in Senior Time Scale of I.C.S.	Rome	Charge d' Affaires	1
				Second Secretary	1
				Total	2
5	Mr. M. B. Masani, Bar-at-Law, Ambassador of India in Brazil	Rs. 3,000 p.m.	Rio de Janeiro	Ambassador	1
				First Secretary	1
				Cultural Relations Officer	1
				Commercial Secretary	1
				Registrar	1
				Total	5

6	Mr. R. K. Nehru, I.C.S., Envoy Extraordinary and Minister Plenipotentiary of India in Sweden	Rs. 2,750 p.m.	Stockholm	Minister		1
				First Secretary		1
					Total	2
7	Mr. B. R. Sahgal, Consul-General of India in New York	Rs. 2,250 p.m.	New York	Consul-General		1
				Seamen's Welfare Officer		1
				Registrar		1
					Total	3
8	Mr. S. K. Kirpalani, I.C.S., Consul-General of India in San Francisco	Rs. 2,250 p.m.	San Francisco	Consul-General		1
				Registrar		1
					Total	2
9	Mr. R. D. Sathe, I. F. S., Consul-General of India in Kashgar	Rs. 800 p.m. in I. F. S. scale.	Kashgar (China).	Consul-General		1
10	Mr. Abdul Majid Khan, M.A., Consul of India in Saudi Arabia	Rs. 800 p.m.	Jedda	Consul		1
				Information Officer		1
					Total	2
11	Mr. S. R. Aiyer, Consul of India in South Siam	Rs. 800 p.m. (In addition to pension.)	Songkhla	Consul		1
12	Mr. A. T. G. Wilson, Indian Vice-Consul, Zahidan	Rs. 1,000—50—1,250 p.m.	Zahidan (Iran).	Vice-Consul		1
13	Mr. Gopal Das Seth, Indian Vice-Consul in Sumatra	Rs. 600—40—800 p.m.	Medan	Vice-Consul		1

Summary of Missions opened after Budget Session in February-March 1948.

(i) Embassies	5 (Afghanistan, Turkey, Czechoslovakia, Italy and Brazil).
(ii) Legations	1 (Sweden).
(iii) Consulates-General	3 (New York, San Francisco and Kashgar).
(iv) Consulates	2 [Saudi Arabia (Jedda) and South Siam (Songkhla)].
(v) Vice-Consulates	2 [Zahidan (Iran) and Medan (Sumatra)].

REPETITION OF QUESTIONS INVOLVING ENORMOUS LABOUR IN PREPARATION OF ANSWERS

The Honourable Shri Jawaharlal Nehru: Sir, may I seek your guidauce in regard to certain questions which involve cuormous labour in the preparation of their answers? The question which has just been answered by a statement being laid on the table has been asked, I think, roughly about a dozen times in slightly varyiug forms. Thia repressnts 95 per cent. the same, with something slightly different. We have to go ihrough the same labour again and again and we have to ciaploy additioual staff for it. There is one question in today's liat by the honourable member Prof. Shibbau Lal Saksena—I think it is No. 1668—the information we are going to supply in respect of which covers about thirty to forty pages of typed material. We have actually had to engage special staff for preparing it, not to speak of the large volume of printed papers and documenta to be supplied—so that I just wanted to seek your guidance and the guidance of the House as to how we are to deal with these questions which come again and again and which involve so much labour which I think is hardly necessary. Any specific point we are always prepared to answer; but this kind of wide encyclopaedic information on every occasion makes it difficult for us to function

Mr. Speaker: The aspect pointed out by the Honourable the Leader of the House has also caused an amouut of anxiety and consideration on my part while admitting questions. If the question has been previously answered substantially in respect of the same matter, I generally disallow the question on the grouud that the question has been answered already. But if there is, as he pointed out, some variation in the question, it becomes difficult to rule out that question. I have also recently advised the Members to put in unstarred questions in respect of certain information that they want; but that does not, of course, meet the difficulty pointed out by the Honourable the Leader of the House, because whether it is starred or unstarred, the amount of labour in collecting the information is the same. I think the best course would be for honourable members themselves when they put any questions to study the previous records. I may also mention that a new system has been introduced since last year, namely that of publishing the Questions and Answers as a separate volume with a separate index for them. This was done with a view to avoid the difficulty that arises as to whether questions have been previously put on that subject or not. Members may as well take advantage of that. That is one thing.

Sometimes questions are admitted before other questions which are also admitted are answered in the House and the supplementaries put supply the answer to queations previously admitted. That also sometimes happens. Then it becomes impossible to take out the admitted Question from the list of Questions. That is also one of the reasons why there is a repetition of the same queation over and over again. But in cases of the type, which the Honourable the Leader of the House has pointed out, I think it is always open to Government to say that the time and trouble involved is not commensurate with the advantages of the information which they could give. They may also as well point out the relevant records from which the information can be had.

I am supported herein by a previous ruling, as the Secretary points out to me.

I do recognise the necessity of honourable members considering, in the new set up, the nature of the information that they should have and the length of Questions which they should put. One rule allows me to disallow questions

which are of excessive length; that also I am trying to do. But after all, in all this, one requires the co-operation and proper understanding of the attitude on the part of members. I do not think I can give any further general view of the matter.

Shri Biswanath Das: May I just make a representation?

Shri H. V. Kamath: Sir, we may discuss this after the Question Hour is over.

Mr. Speaker: That is what I think. The honourable member may well do that by seeing me in the Chamber at any convenient time.

Shri Biswanath Das: Sir, I do not want to utilise that opportunity.

Mr. Speaker: Next question, No. 1639.

Shri Brajeshwar Prasad: To save the time of the House, I would not put this Question.

Mr. Speaker: All right. Next Question.

Shri Brajeshwar Prasad: The same, Sir.

Mr. Speaker: I may say one thing about these Questions. If he does not put the Questions they will not find a place at all in the reports.

Shri Brajeshwar Prasad: I do not attach much importance to it.

Mr. Naziruddin Ahmad: It does not save the time of the House at all. We spend one hour, and the Ministers have undergone all the labour, so it does not save anybody's time.

Mr. Speaker: It saves the time of the Question Hour. Next Question.

INDUSTRIAL HOUSING SCHEME

*1641. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Labour be pleased to state whether any scheme has been prepared by Government to provide houses for the working classes in various parts of the country?

(b) Do Government intend to ask the industrialists to contribute towards the cost of such a scheme?

The Honourable Shri Jagjivan Ram: (a) The Government of India have recently approved a general scheme of Industrial housing, the details of which will be published shortly. In addition, the Government of India have a scheme for the construction of houses for coalminers, which is being administered by the Coal Mines Welfare Fund.

(b) As regards the main Industrial Housing Scheme, a due share of the cost will be recovered from employers.

So far as the housing of colliery miners is concerned, the cost is met by the levy of an excise duty on coal and coke despatched from the collieries.

Shri R. K. Sidhva: Do Government intend, as far as part (b) is concerned, to recover the amount from industrialists by legislation or by some executive orders?

The Honourable Shri Jagjivan Ram: It will be decided on experience whether legislation is necessary or whether it may be done by executive order with the co-operation of the employers.

Shri R. K. Sidhva: Do Government intend to take steps to ask the existing industrialists to build houses for the workers where they do not exist?

The Honourable Shri Jagjivan Ram: It covers both the existing and new industries.

SCIENTIFIC RESEARCH IN UNIVERSITIES

*1642. **Shri V. C. Kesava Rao:** Will the Honourable the Prime Minister be pleased to state what steps are being taken to stimulate scientific research in the universities especially Atomic Physics?

The Honourable Shri Jawaharlal Nehru: The Universities have to perform the dual functions of training scientific workers and of conducting fundamental and applied research. The Government of India are stimulating scientific research in universities by—

(1) sanctioning grants-in-aid for buildings and equipment required for research, the expansion of special research departments and the conduct of approved research schemes;

(2) the discovery and training of talented persons through post-graduate schemes and fellowships.

Grants-in-aid totalling over Rs. 28 lakhs have been sanctioned for this purpose during 1948-49.

Fellowships have been awarded for research in nuclear physics. A National Professorship of Physics has been created at the Indian Academy of Sciences, Bangalore. A conference of university representatives and eminent scientists convened by the Atomic Energy Commission met in New Delhi on the 20th and 21st January, 1949, and discussed the drafting of suitable syllabuses for the teaching of nuclear physics, chemistry and mathematics in our universities to equip the students for higher research in these subjects. A Committee of experts is now drawing up draft syllabuses for the teaching of these subjects in our universities.

Shri V. C. Kesava Rao: What are the Universities in which nuclear physics is being taught at present?

The Honourable Shri Jawaharlal Nehru: I could not straightaway give a precise answer, but certainly Calcutta, Allahabad and some others.

Shrimati G. Durgabai: May I know whether the Andhra University is one of the Universities in which this Department to conduct atomic research is being undertaken?

The Honourable Shri Jawaharlal Nehru: I do not know.

Shri V. C. Kesava Rao: May I know whether the subject of scientific research is included in the terms of reference of the University Commission?

The Honourable Shri Jawaharlal Nehru: I am afraid I do not know, but to some extent I suppose it must be so because there are very eminent scientists on the University Commission.

FUNCTIONS OF CENTRAL LABOUR ADVISORY COUNCIL

*1643. **Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Labour be pleased to state what are the functions of the Central Labour Advisory Council?

(b) Have the Provincial Governments been advised to form such councils for the provinces and if so, what are the provinces where such councils are functioning?

The Honourable Shri Jagjivan Ram: (a) The functions of the Central Advisory Council of Labour are set out in para. 3 of the Ministry of Labour Resolution No. IR. 86(9), dated the 29th September 1948, a copy of which is in the Library of the Legislature.

(b) Yes. Provincial Laboratory Advisory Boards have been set up in all the Provinces except Orissa. The Government of that Province are considering the question of constituting a Board.

COMPLAINTS RE CLAY-MIXING WITH GROUNDNUT EXPORTED FROM INDIA

*1644. **Shri M. Ananthasayanam Ayyangar:** Will the Honourable Minister of Commerce be pleased to state:

(a) how many complaints have been received so far by the Government of India regarding clay-mixing in groundnuts exported abroad;

(b) what action Government have taken or propose to take against such exporters;

(c) whether Government are aware that clay-mixing is an established process with the foreign-owned and the big groundnut exporting firms; and

(d) whether Government are aware that hand-decorticators, as introduced by the Groundnut Organisation, eliminate all clay from groundnuts?

The Honourable Shri K. C. Neogy: (a) One complaint was received from a representative of a Canadian firm, who visited India in 1948.

(b) No action could be taken in the matter as particulars of the firm or firms responsible for this practice have not been furnished to the Government of India.

(c) Government have no information in the matter.

(d) No.

Shri H. V. Kamath: Is the Minister aware of the fact that the Agriculture Ministry, in their marketing report on groundnut, at page 193, have published a photograph regarding the method of mixing clay with groundnuts?

The Honourable Shri K. C. Neogy: Well, I know the Agriculture Ministry is examining this aspect of the matter.

Prof. N. G. Ranga: What steps are being taken to prevent any such adulteration?

The Honourable Shri K. C. Neogy: The Agricultural Marketing Adviser is considering what steps could be taken by that Ministry for the purpose of checking the quality of our exports of this kind.

Shri M. Ananthasayanam Ayyangar: In answer to part (d), I heard the Honourable Minister say, "No". My question was "whether Government are aware that hand-decorticators, as introduced by the Groundnut Organisation, eliminate all clay from groundnuts?". If the Honourable Minister does not know already, would he make inquiries and find out if that is a better process?

The Honourable Shri K. C. Neogy: As a matter of fact, I did see a photograph of a machine of this kind, but I would invite my honourable friend's attention to an answer given by my honourable colleague the Minister of Agriculture to a question asked by Babu Ramnarayan Singh on the 30th March last in which this is what my honourable colleague stated:

"The type of hand decorticator now in use is not considered very suitable. The Indian Oilseeds Committee has announced a prize of Rs. 2,000 which will be granted to any person or body who designs the best model of decorticator at a cost not exceeding Rs. 100. The designs are to be received before 31st October 1949, after which the best design received will be selected by the Committee and steps will be taken for propagating its use."

Shri M. Ananthasayanam Ayyangar: Is the Government aware that continued mixing of clay reduces our market for groundnuts in foreign countries?

The Honourable Shri K. C. Neogy: I am perfectly aware of the undesirable practices that obtain in this matter, but I should like to tell the House that the very terms of agreement between the Indian supplier and the foreign buyer do provide for a percentage of impurities. As a matter of fact, a model contract which goes by the name of Marseilles contract permits impurities up to two per cent. Then in regard to exports to the U.K., they are generally made on the basis of contract terms formulated by the Incorporated Oilseeds Association and this contract fixes the price on pure basis and permits discount at prescribed scale for impurities. The specific complaint to which I have made reference is to the effect that impurities are mixed just to come up to the permissible percentage of impurities. It is not as if the impurities exceed the permissible limit.

Babu Ramnarayan Singh: Our export of oilseeds is divided into advance quota and supplementary quota. May I know the advantages of this system?

The Honourable Shri K. C. Neogy: I wonder whether this arises out of the question. As a matter of fact, I have written a letter to my honourable friend explaining the very point.

Babu Ramnarayan Singh: Yes, Sir. I have received that letter. But may I know the reasons why this classification has been adopted?

The Honourable Shri K. C. Neogy: Advanced quotas are generally granted in respect of the first half year.

LICENCES FOR EXPORT OF GROUNDNUT TO ITALY

*1645. **Shri M. Ananthasayanam Ayyangar:** Will the Honourable Minister of Commerce be pleased to state:

(a) whether some groundnut exporters were given licences to export groundnuts to Italy in dollars and others in sterling;

(b) if so, why this distinction was made;

(c) whether Government are aware that the exporters in dollars suffered losses because of this distinction;

(d) whether it is a fact that the foreign-owned and the big exporting firms were allowed to sell groundnuts in sterling to Italy and the producers were asked to sell in dollars alone; and

(e) whether Government would reconsider the matter?

The Honourable Shri K. C. Neogy: (a) During 1948, a quota of 5,500 tons of groundnut in terms of oil for export to Italy was fixed by the International Emergency Food Council, the entire quota being allowed to be exported to Italy against sterling. The quotas were given 90 per cent. to established shippers and 10 per cent. to newcomers. Apart from the quotas fixed by the I.E.F.C., the Government of India set aside a further quota for export to hard currency countries. Some shippers asked for a portion of the hard currency quota to be given to them for export to Italy on the ground that that country was anxious to pay in dollars for additional supplies over and above the I.E.F.C. allocation.

(b) From what has been explained, it will be clear that no distinction was made and only such shippers got licences for export to Italy against dollars as specially asked for it.

(c) to (e). Do not arise.

Shri M. Ananthasayanam Ayyangar: Were all persons who wanted permits to be given for export in dollars granted licences?

The Honourable Shri K. C. Neogy: Yes, but then in some cases the parties could not produce evidence of sale. In those cases, licences could not be confirmed.

Shri B. P. Jhunjhunwala: What was the special reason for some of the shippers asking for export to hard currency areas?

The Honourable Shri K. C. Neogy: It is known to them, not to me.

Babu Ramnarayan Singh: Except good price, what are the other considerations which weigh with Government in allowing export to one country in preference to another?

The Honourable Shri K. C. Neogy: In this particular instance, as we needed dollars very much, we did allow licences on the promise of payment in dollars.

Shri Mahavir Tyagi: Was the whole of the surplus quota given to such shippers as were anxious to export to countries where they could earn hard currency?

The Honourable Shri K. C. Neogy: I do not know about the whole being given. Quotas were allocated on the basis of demands that they put forward and on the basis of proof of sale they could produce.

Shri Mahavir Tyagi: Was the surplus also given on the basis of 90 to 10?

The Honourable Shri K. C. Neogy: No.

Shri Mahavir Tyagi: Is it a fact that most of the surplus quota went to foreign shippers and the big companies here?

The Honourable Shri K. C. Neogy: As a matter of fact, so far as exports to hard currency areas are concerned, in this instance Italy was also treated as hard currency area because payment was to be made in hard currency. In so far as such exports are concerned, we generally observe no distinction. Our look out is to earn as much hard currency as we can.

Shri Mahavir Tyagi: Is it a fact that foreign firms in India were given quota for soft currency and producers were given for hard currency?

The Honourable Shri K. C. Neogy: I have already said that no such distinction was ever made.

Shri B. P. Jhunjhunwala: Arising out of the answer that it is for the exporters to know why they are wanting quotas for hard currencies, do not the Government see, in the interests of more things being exported to dollar countries, when there is an application for exporting in sterling, that this thing should also be exported?

The Honourable Shri K. C. Neogy: As a matter of fact we are doing our best in every way possible to improve our exports to dollar countries.

Shri M. Ananthasayanam Ayyangar: May I know if any of the firms for whom permits were granted for export for sterling offered to export for dollars also?

The Honourable Shri K. C. Neogy: Yes, some of them did.

Shri M. Ananthasayanam Ayyangar: What was the inducement for them to obtain permits for export in dollars when the latter could not be so profitable as export for sterling?

The Honourable Shri K. C. Neogy: It is because the purchaser in Italy was anxious to get additional quotas outside the International allocation and was prepared to pay in dollars.

Prof. N. G. Ranga: Has the attention of the Government been drawn to the recommendation made by the Oilseeds Committee that so far as the ten per cent. is concerned, preference should be given to the growers and growers' co-operatives?

The Honourable Shri K. C. Neogy: There is another question on that particular point, but I have not seen the formal proceedings of the Oilseeds Committee though I know the substance of the discussion that took place on that occasion and I am answering a question specifically on this point.

CLAUSE RELATING TO INCOME-TAX IN APPLICATION FORMS FOR EXPORT QUOTAS.

*1646. **Shri M. Ananthasayanam Ayyangar:** Will the Honourable Minister of Commerce be pleased to state:

(a) why the clause relating to income-tax is included in the application forms for export quotas;

(b) whether the clause is applicable to all applications or whether there are any exceptions;

(c) whether any investigation is made to find out if the clause is correctly answered; and

(d) whether any cases of incorrect answers have been detected and if so with what results?

The Honourable Shri K. C. Neogy: (a) The clause relating to the payment of income tax is included in the application form for export licences for a number of reasons. Firstly, it helps the Licensing Officers in making sure that the firm which is applying is not a bogus one and further that the same firm does not apply for licences in a number of names. Secondly, it enables the Licensing Officers to judge the financial standing of the applicant which is relevant in determining the firm's ability to handle the trade. Finally, it is a part of Government policy not to afford any kind of patronage to firms or individuals who are dodging the payment of income-tax.

(b) This clause is applicable to all classes of applicants except those mentioned (i) in paragraphs 2(a) (b) (c) and (d), 4 and 5 of the Public Notice No. 1(2)-ITC/49, dated 8th January 1949, and (ii) in the Public Notice dated the 3rd February 1949, copies of which are laid on the table.

(c) The Income Tax Officer of the circle in which the firm or individual is situated certifies the correctness of the answers given by the applicant.

(d) No such case has come to the notice of Government.

No. 1(2)ITC/49

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE

New Delhi, the 8th January 1949

PUBLIC NOTICE

The Government of India have decided that with effect from the licensing period January-June 1949 applications for import and export licences whether from quota holders, manufacturers, established importers or exporters or newcomers will not be considered unless the applicant has lodged certificates of incometax verification in the prescribed form with such of the following licensing offices to which they make their applications for import or export licences:

1. Chief Controller of Imports, New Delhi.
2. Chief Controller of Exports, New Delhi.
3. Deputy Chief Controller of Imports and Exports, Bombay.
4. Deputy Chief Controller of Imports and Exports, Calcutta.
5. Import Trade Controller, Madras.
6. Export Trade Controller, Madras, and
7. Export Trade Controller, Amritsar.

(i) The certificates shall be in the form appended to this Notice. The applicant or his authorised agent should fill in the particulars as required in the form, on as many copies as are required, with one additional copy to be maintained by the Income-Tax Office and present them to the Income-Tax authority. The Income-Tax authority will then verify the particulars from their record, subscribe the necessary verification certificates on all copies and return them to the applicant, leaving one copy for their record specified in (ii) below.

(ii) Except in the case of applicants assessed or assessable to tax in the cities of Bombay, Calcutta, Madras and Delhi, the form after being filled in should be sent by the applicant or by his authorised agent for verification to the Income-tax Officer of the Circle, Ward or District where the applicant is assessed or assessable to income-tax. In the case of applicants from Bombay or Calcutta, the form should be sent to the Headquarters Assistant Commissioner of Income-tax in those cities and in the case of those from Madras and Delhi to the Inspecting Assistant Commissioner of Income-tax.

(iii) It will be noticed that the certificate calls for particulars of assessable incomes and taxes paid for a period of last five years including the income-tax year 1948-49. This certificate once produced, will be regarded as valid for all applications for import and export licences made by the applicant throughout the calendar year 1949.

(iv) For proprietary and partnership firms which have commenced business after 1st April 1948, it will be necessary to lodge certificates of income-tax verification with the Import and Export licensing authorities for the proprietor or proprietors and for each of the partners, as the case may be.

(v) The certificate when obtained should be sent by the applicant or his authorised agent to the licensing authority concerned in a cover clearly superscribed "INCOME-TAX VERIFICATION CERTIFICATE". Each certificate after receipt in the office of the licensing authority concerned will be registered and a registration number will be allotted in respect of it and communicated to the applicant who will quote the registration number prominently on all applications for import and export licences made thereafter.

2. The following classes of applicants will be specifically exempt from the necessity of producing the income-tax verification certificate:

(a) Such Government and semi-Government institutions as are not liable to income-tax.

(b) Firms, individuals or companies in Indian States where no income-tax is levied and who have no place of business in the Indian Provinces.

(c) Companies, public or private, which are incorporated under the Indian Companies Act after the 1st April 1948. Such companies should produce a certificate from the Registrar of Companies concerned showing the date of their incorporation.

(d) Other types of persons who are not otherwise liable to income-tax, under section 4(3) of the Indian Income-tax Act.

(e) Firms and individuals claiming to be exempt from income-tax should give particulars of their income and state fully the circumstances in which they claim to be exempted from the tax.

(f) Applicants claiming exemption from the production of income-tax verification certificate will also be allotted registration numbers in the same way as those who are required to produce the Income-tax Verification Certificate; but the allotment of registration numbers to them will be done at the Headquarters Office of the Chief Controller of Imports, instead of by the respective licensing authorities, and requests for registration by such applicants should be addressed to that office at New Delhi in a cover superscribed "Exemption from Income-tax Verification Certificate". After the registration number has been allotted and communicated to the applicant he should similarly quote that number on his applications for an import or export licence submitted to the proper licensing authority.

3. The Income-tax Authorities concerned have made arrangements for the issue of these Verification Certificates from the 25th January 1949. Arrangements have been made for the prompt issue of the Verification Certificates by the Income-tax authorities and for the registration of these certificates by the licensing authorities and for communication of these registration numbers to all the licensing officers.

4. Nothing stated in this Public Notice applies to applicants for import and export licences for small values not exceeding Rs. 5,000 in c.i.f. and f.o.b. values, respectively.

5. Similarly in the case of persons, firms or companies who had their post import or export business or had been residing in what is now Pakistan and are therefore unable to comply with the requirement of this notice, application for import or export licences will be considered

without the production of the Income-tax Verification Certificate. They should, however, produce sufficient evidence to show that they had their place of business or had been resided in what is now Pakistan and are therefore unable to produce the verification certificate.

6. Should Government decide from time to time to exempt any other classes of individuals or firms from having to produce the certificate of income-tax verification, such decision will be duly announced.

G. R. KAMAT,

Joint Secretary to the Government of India.

FORM OF CERTIFICATE OF INCOME-TAX ASSESSMENT TO BE PRODUCED BY AN APPLICANT FOR IMPORT AND EXPORT LICENCES

(To be filled in by the applicant for import and/or export licences.)

1. Name and business address of the applicant.
2. Year in which the business was established.
3. Name and address in which the applicant is assessed to income-tax.
4. Whether the applicant is assessed to income-tax as :
   (a) Individual,
   (b) Hindu Undivided Family.
   (c) Company.
   (d) Firm, or
   (e) Association of persons.
5. The Income-Tax Circle/Ward/District in which the applicant is assessed to income-tax.
6. (a) Reference No. (or G. I. R. No.) of the assessment.
   (b) Particulars of income-tax paid :

Year of assessment for purposes of Income-tax.	Income as assessed by the Income-tax Authority concerned.	Income-tax demanded by the Income-tax Authority concerned.	Income-tax paid.
1	2	3	4
1944-45			
1945-46			
1946-47			
1947-48			
1948-49			

(Notes.—Amounts of income-tax shown in columns 3 and 4 above should include all forms of tax, viz., Income-Tax, Super Tax (Capital Gains Tax), Surcharge, Excess Profit Tax and Business Profit Tax.)

(c) If any income-tax as demanded remains unpaid, reasons for it should be clearly stated.

(d) Whether the Company or Firm or Hindu Undivided Family on which the assessment was made has been or is being liquidated, wound up, dissolved, partitioned or being declared insolvent as the case may be.

7. In case there has been no income-tax assessment, whether returns submitted under sections 22 (1) or 12) and 18A(3) of the Indian Income Tax Act, and if so, the amount of income returned or tax paid for each of the five years mentioned in 6 (b) above.

8. The name and address of Branch(es) of the applicant.

I declare that the above information is correct and complete to the best of my information and belief.

Signature of the applicant or his authorised agent.

Date.

(TO BE FILLED IN BY INCOME-TAX OFFICER)

In my opinion, the applicant mentioned above has been doing everything possible to pay the tax demands promptly and regularly and to facilitate the completion of the pending or outstanding proceedings.

Signature of the Income-tax Officer.

Circle/Ward/District.....

Date.....

Seal .....

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE

New Delhi, the 3rd February, 1949

PUBLIC NOTICE

With reference to para. 6 of this Ministry's Public Notice, dated the 8th January 1949, regarding the production of Income-tax verification certificates by applicants for import and export licences with effect from the licensing period January—June 1949, it is notified for general information that the Government of India have decided that applications for (i) import licences for goods which are liberally licensed for imports from any source (including Capital Goods and Heavy Electrical Plant) and (ii) export licences for goods for export to hard currency areas will be taken into consideration and sanctioned, if otherwise eligible, irrespective of whether the applicant has lodged his income-tax verification certificates. This decision has been taken to facilitate maximum possible imports of the liberally licensed commodities and the maximum possible exports to hard currency areas.

G. R. KAMAT,

Joint Secretary to the Government of India.

Prof. N. G. Ranga: Is it not a fact that so far as the ten per cent. reserved for newcomers is concerned, the Indian Oilseeds Committee suggested that this clause regarding income-tax should not be insisted upon?

The Honourable Shri K. C. Neogy: As I said before, I have not received the formal proceedings of the Oilseeds Committee, and their recommendations will certainly be taken into consideration when they are received.

Shri M. Ananthasayanam Ayyangar: May we know from the Honourable Minister in general terms why any exception is made in clause (b)?

The Honourable Shri K. C. Neogy: The one point that I should like to mention is that so far as exports to hard currency areas are concerned, no such condition is insisted upon. That is the most important relaxation that we have made. Then there are others, *e.g.*, there is a relaxation in favour of refugees from Pakistan. Then in respect of licences for values not exceeding Rs. 5,000, no such condition need be complied with. There are other cases too. If my honourable friend would read the two notifications, he would see the different categories of exemptions.

Shri M. Ananthasayanam Ayyangar: May we know whether any exemption that has been made in the case of hard currency areas has proved unsatisfactory and those persons to whom permits were granted were not able to comply and committed default?

The Honourable Shri K. C. Neogy: So far as export to hard currency areas is concerned, the position has not improved appreciably in spite of the inducements that we have given to the trade. But, it is hoped that in the near future we will be able to find out the result of this relaxation.

Shri Deshbandhu Gupta: May I know whether this clause is included in regard to import licences also?

The Honourable Shri K. C. Neogy: Yes.

Shri Deshbandhu Gupta: May I know whether it is a fact that even Newspapers are asked to furnish this information before quotas are granted?

The Honourable Shri K. C. Neogy: Yes; it is very difficult to make an exception in the case of newspapers.

Shri Deshbandhu Gupta: Is it a fact that quotas to newspapers are given on the basis of circulation and not on the basis of the Income-tax paid by the individual paper?

The Honourable Shri K. C. Neogy: Yes; if there is any grievance on this score, I should like to look into it.

Shri V. C. Kesava Rao: May I know if this clause is to be satisfied in the case of new-comers also?

The Honourable Shri K. C. Neogy: It is expected to be normally satisfied by new-comers also. But, as I stated on a previous occasion, the mere non-payment of Income-tax is not a positive disqualification. If a party produces a certificate from the Income-tax authorities stating that no Income-tax is payable by him, then, that might be a sufficient compliance with this rule.

FACILITIES TO PRODUCERS FOR EXPORT OF GROUNDNUT

*1647. **Shri M. Ananthasayanam Ayyangar:** Will the Honourable Minister of Commerce be pleased to state:

(a) whether Government have considered or are considering the grant of facilities for export of groundout to producers individually or to organizations of producers;

(b) whether Government are aware of the benefits that would accrue to the producers by gradual elimination of middlemen; and

(c) if so, whether Government will clearly enunciate their policy in this regard?

The Honourable Shri K. C. Neogy: (a) Government, would certainly look with favour upon attempts which producers of groundnut individually or organisations of such producers make for the direct marketing of their groundnut in overseas countries. Experience has, however, shown that producers as a class have not been able to establish the necessary overseas connections without which entry into the export trade is impossible, and they were able to qualify for only an insignificant share of the quota earmarked for newcomers which was licensed on the strength of orders from overseas buyers.

(b) and (c). So long as the necessity to control the export trade by the grant of licences continues, Government's objective would be to maintain as far as possible a pattern of trade which would have existed but for the control, and which is likely to survive after the control has ceased to exist. The experience of such commodities as are not subject to export control, including certain oils and oilseeds, shows that the export trade is, under a system of free competition largely if not wholly, carried on by merchants rather than producers. Government do not, therefore, consider it desirable in the overall interests of the country's export trade to force the entry of any class of people into the particular trade at the expense of another. As I have said before, however, Government would look with favour upon any efforts which the producers make in this direction; and other things being equal, any applications which producers or organisations of producers make for export licences would continue to receive special and sympathetic consideration.

Prof. N. G. Ranga: Is it not also the policy of Government to give every possible encouragement to the co-operative organisations of the producers?

The Honourable Shri K. C. Neogy: Yes. So far as the Ministry of Commerce is concerned, it is very difficult for us to give any positive lead in this matter. I think my honourable friend will have to look to the Ministry of Agriculture more than to the Ministry of Commerce for this.

Shri M. Ananthasayanam Ayyangar: Will the Trade Commissioners be instructed to render such facilities as giving information in foreign countries and act as liaison officers in the case of genuine organisations of producers who want to export?

The Honourable Shri K. C. Neogy: At the present moment, the number of such organisations is so small that no occasion has arisen for sending any special instructions to that effect. But, I welcome my honourable friend's suggestion and we will certainly communicate it to our Trade Commissioners.

Construction of Houses from Coal Mines Labour Welfare Fund

†*1648. **Shri Kishorimohan Tripathi:** (a) Will the Honourable Minister of Labour be pleased to state what amount has been allotted for construction of workers' houses under the Labourers' Welfare Fund?

(b) How much has been spent so far?

(c) How many houses have already been constructed under this scheme?

(d) How many houses are proposed to be constructed under the scheme?

The Honourable Shri Jagjivan Ram: (a) Out of a cess of 6 annas levied under the Coal Mines Labour Welfare Fund Act on every ton of coal and coke despatched by rail from collieries in the Indian Dominion, one anna four pies are credited to the housing account of the Fund. The estimated annual receipts of the housing account is about Rs. 22 lakhs

(b) About 15·3 lakhs.

(c) I would invite the attention of the honourable member to my reply to parts (a) and (b) of starred question No. 785 put by Shri R. L. Malviya on the 1st March, 1949.

(d) 50,000.

Expenditure on Embassies, Publicity and Propaganda Abroad

†*1649. **Sardar Hukam Singh:** (a) Will the Honourable the Prime Minister be pleased to state what is the total sum spent by the Government of India on the Staff of the various Indian Embassies abroad during the year ended 31st March, 1949?

(b) What is the total sum spent on publicity and propaganda in foreign countries during the year ended 31st March, 1949?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) The total sum spent during the last twelve months on Embassies is approximately Rs. 70,14,900.

(b) The total sum spent on publicity and propaganda during the last year is approximately Rs. 24,38,900. It is difficult to assess the effect of our publicity abroad but the publicity organisation has endeavoured to counteract mis-representation of India abroad and to put forward the Indian point of view.

Formation of Mutual Defence Pacts and Power Groups

*1650. **Shri H. V. Kamath:** Will the Honourable the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to the formation of power groups and blocs entering into Mutual Defence Pacts such as the Atlantic or the Mediterranean Pacts; and

(b) if so, what India's position in regard to any such pact is?

† Answer to this question laid on the table, the questioner being absent.

The Honourable Shri Jawaharlal Nehru: (a) Government's attention has been drawn to the recently published Atlantic Pact; they are not aware that any Mediterranean Pact has been or is in process of being concluded.

(b) The Government of India understand that the Atlantic Pact is in the nature of a regional arrangement within the frame-work of the United Nations Charter. India is far removed from the Atlantic region, and the Government of India is not affected by the Atlantic Pact.

Shri H. V. Kamath: Has the Honourable the Prime Minister's attention been drawn to a statement of the British Foreign Secretary Mr. Ernest Bevin in Washington the other day when addressing the Press Corps there, emphasising the connection between the North Atlantic community and India and Asia through Britain, and if so whether there is any fear that India's association with the Commonwealth might even indirectly link her up with the Atlantic Pact?

The Honourable Shri Jawaharlal Nehru: I regret I have not seen that particular speech to which reference is made. But, so far as this House is concerned, I think there need be no fear or apprehension about our being indirectly linked with the Atlantic Pact because of something else.

Shri H. V. Kamath: Is it a fact that Lord Listowel, one of the four extraordinary Envoys recently sent by Britain to the four corners of the earth made a statement, on his way back, publicly mooting the idea of a Pacific Defence Pact?

The Honourable Shri Jawaharlal Nehru: Again, I am sorry I have not read that statement of Lord Listowel. But the fact remains that there is no such thing being discussed at all. Some people with a vivid imagination may talk about it; but in reality, there is no such thing so far as the Government of India is concerned.

Shri H. V. Kamath: Will this House be consulted before any major decisions of policy are taken if at all by the Commonwealth Conference, or will the Assembly be confronted with a *fait accompli*?

The Honourable Shri Jawaharlal Nehru: How does this arise out of the Atlantic Pact?

Shri H. V. Kamath: Has India taken any steps or does she propose to take any steps in the direction of promoting an Inter-Asian Pact for mutual aid within the frame-work of the United Nations Charter?

Mr. Speaker: Order, order. The question is restricted to the Atlantic Pact.

Shri H. V. Kamath: It covers all Mutual Defence Pacts, Sir.

Mr. Speaker: It covers the Atlantic Pact only.

Prof. N. G. Ranga: Was the Government of India informed by the British Government before or after they had concluded this Atlantic Pact?

The Honourable Shri Jawaharlal Nehru: There is a system of information being circulated from time to time between the various Governments and so we have been kept informed of the various stages. I do not know what particular thing the honourable member is referring to. We do receive information of what is happening in foreign countries.

Prof. N. G. Ranga: In regard to this particular pact, keeping in mind the kind of informal contacts that are supposed to prevail between the various Dominions in this Commonwealth, was any specific effort made by the British Government to consult or ascertain the views of the Government of India with regard to this Atlantic Pact?

The Honourable Shri Jawaharlal Nehru: We were kept informed. It was not directly our concern. I remember, for instance, four or five days before the publication of the document, we were informed that that is going to be

published five or six days later; previously too, at various stages. It was not consultation. We were not in it at all. It is a question of sending information.

Mr. Tajamul Husain: As we are at present a member of the Commonwealth, and as some members of the Commonwealth are involved in the Atlantic Pact, are we also, as a member of the Commonwealth, not involved in the Atlantic Pact?

The Honourable Shri Jawaharlal Nehru: The honourable member is correct; we are not.

Shri H. V. Kamath: In view of the fact that Britain and Canada are parties to the Atlantic Pact, may I know if there is any unwritten pact or tradition or convention according to which member States of the Commonwealth or States which are associated with the Commonwealth are bound by obligations of mutual defence in the event of war or external aggression?

The Honourable Shri Jawaharlal Nehru: I am a little surprised at the honourable member's question. These matters have been debated and publicly declared so many times. There is no such thing written or unwritten.

TERMS OF REFERENCE AND SCOPE OF ENQUIRY OF U.N.C.I.P.

*1651. **Shri H. V. Kamath:** Will the Honourable the Prime Minister be pleased to state:

(a) the terms of reference and the scope of inquiry of the United Nations Commission for India and Pakistan;

(b) the nature of consultations that have so far taken place between the U.N.C.I.P. and the representatives of India and Pakistan; and

(c) what stage the settlement of the Kashmir problem has reached?

The Honourable Shri Jawaharlal Nehru: (a) The honourable member's attention is invited to the relevant part of the Security Council's Resolution dated April 21, 1948, a copy of which is placed on the table.

(b) There have been oral discussions between representatives of the Government of India and the Commission, also correspondence. From time to time, I have kept the House informed of the result of these negotiations.

(c) As the House already knows, the Government of India have accepted the Commission's resolutions dated the 13th August 1948 and 5th January, 1949. The text of these two resolutions and of papers elucidating the Government of India's acceptance of them will be found in the Documents regarding Kashmir which I presented to the House on 3rd February 1949. Discussions regarding a truce agreement as envisaged in Part II of the Commission's resolution of 13th August, 1948 are still in progress. The Secretary General of the United Nations has, after the necessary consultations, nominated Admiral Chester Nimitz as Plebiscite Administrator.

Resolution on the India-Pakistan question submitted jointly by the Representatives of Belgium, Canada, China, Colombia, the United Kingdom and the United States of America, adopted at the Two Hundred and Eighty-Sixth Meeting of the Security Council, 21 April 1948.

The Security Council,

Having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir, having heard the representative of India in support of that complaint and the reply and counter complaints of the representative of Pakistan,

Being strongly of opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting,

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite,

Considering that the continuation of the dispute is likely to endanger international peace and security;

Reaffirms the Council's Resolution of January 17th,

Resolves that the membership of the Commission established by the Resolution of the Council of January 20th, 1948, shall be increased to five and shall include in addition to the membership mentioned in that Resolution, representative of—and—and that if the membership of the Commission has not been completed within ten days from the date of the adoption of this Resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five,

Instructs the Commission to proceed at once to the Indian sub-continent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite by the two Governments, acting in co-operation with one another and with the Commission and further instructs the Commission to keep the Council informed of the action taken under the Resolution, and to this end,

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

A. Restoration of Peace and Order

1. The Government of Pakistan should undertake to use its best endeavours:

(a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purposes of fighting and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State

(b) To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should co-operate in the maintenance of peace and order.

2. The Government of India should:

(a) When it is established to the satisfaction of the Commission set up in accordance with the Council's Resolution of 20 January that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order,

(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage;

(c) When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:

(i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State,

(ii) That as small a number as possible should be retained in forward areas,

(iii) That any reserve of troops which may be included in the total strength should be located within their present Base area.

3. The Government of India should agree that until such time as the plebiscite administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and police provided for in Paragraph 8 they will be held in areas to be agreed upon with the Plebiscite Administrator.

4. After the plan referred to in paragraph 2 (a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilized for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration referred to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacification.

B. Plebiscite

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in the conduct of the administration at the Ministerial level, while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a Plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should at the request of the Plebiscite Administration make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate his Assistants and other subordinates and to draft regulations governing the Plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for and the conduct of a free and impartial plebiscite.

(d) The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his Assistants and subordinates.

(e) The Administrator should have the right to communicate direct with the Government of the State and with the Commission of the Security Council and, through the Commission with the Security Council, with the Governments of India and Pakistan and with their Representatives with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the Plebiscite.

11. The Government of India should undertake to prevent and to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State release all political prisoners and take all possible steps so that:

(a) all citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to exercise their rights as such citizens;

(b) there is no victimization;

(c) minorities in all parts of the State are accorded adequate protection.

15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

C. General Provisions

16. The Governments of India and Pakistan should each be invited to nominate a Representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the tasks assigned to it herein.

Shri H. V. Kamath: Is it not a fact, Sir, that the liquidation of the so-called Azad Kashmir Government and the disbandment of the so-called Azad Kashmir forces were among the conditions of the New Year's Cease Fire Agreement which was entered into in accordance with the previous United Nations Resolution of August 13th?

The Honourable Shri Jawaharlal Nehru: The honourable member is getting a little mixed up with the Cease Fire and other things. So far as the Cease Fire was concerned, it was a pure and simple Cease Fire, but of course, behind that Cease Fire, there were other developments, certain resolutions which had been passed by the Security Council and certain resolutions by the United Nations Commission on Kashmir. In those arrangements were involved, according to us the disbandment and disarming of the forces in what is termed 'the Azad Kashmir territory'. As for the liquidation of the certain Azad Kashmir Government, the question did not arise, because we have never acknowledged the existence of any such thing.

Shri H. V. Kamath: What is the position, Sir, with regard to Pakistan troops on any part of Kashmir territory?

The Honourable Shri Jawaharlal Nehru: These are simple facts given very clearly in the resolution itself.

Shri H. V. Kamath: Has the Prime Minister's attention been drawn to the anti-Indian tilt in the B.B.C. broadcast last night on this issue?

The Honourable Shri Jawaharlal Nehru: I have read something in the newspapers about it this morning.

Shri Mahavir Tyagi: Has the Honourable the Prime Minister come across the news on the All-India Radio to the effect that we were delaying the settlement of the Kashmir affair with the hope that the United Nations Commission for Kashmir will decide that the plebiscite would not come and further that if the plebiscite is held, the Pakistan people and the Pakistan Government were confident that they will win the Plebiscite?

The Honourable Shri Jawaharlal Nehru: I am sorry, I have not been listening to the Radio, but apart from what has been said, I should like to make it perfectly clear that any such solution or suggestion made on behalf of any person is completely devoid of any foundation. We are bound by the declarations made by us, and by the commitments we have accepted. Those commitments are that a Plebiscite should be held under certain conditions and those conditions are stated with extreme accuracy and clarity in the resolutions and *aide memoires*. By that we stand and we do not stand by anything else.

COUNTRIES WITH WHICH INDIA HAS ENTERED INTO TREATIES, PACTS OR AGREEMENTS

*1652. **Shri H. V. Kamath:** Will the Honourable the Prime Miniater be pleased to state:

(a) the names of countries with whom India has entered into treaties of friendship, pacts of non-aggression, or agreements of trade and commerce; and

(b) with which other countries such treaties, pacts or agreements are under consideration?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) and (b). The Government of India have neither entered into nor are they considering entering into any pact of non-aggression. Regarding trade agreements and treaties of friendship and commerce, attention is invited to Question No. 414 by Pandit

Mukut Bihari Lal Bhargava and the reply given to Parts (c) and (d) by the Commerce Minister on February 16th. I lay a statement on the table of the House giving the latest information on this subject.

STATEMENT

(a) (i) *Treaties of Friendship, etc.*—Switzerland.—A Treaty of Friendship and Establishment with Switzerland was signed on 14th August 1948.

(ii) *Agreements of Trade and Commerce.*—(1) Anglo-American Zone of Germany, (2) Switzerland, (3) Yugoslavia, (4) Czechoslovakia, (5) Pakistan, (6) Japan, (7) Afghanistan.

The Agreements with Nos. 3, 4 and 7 above are subject to ratification.

(b) (i) *Treaties of Friendship and Commerce under consideration.*—(1) Philippines, (2) United States of America, (3) Bhutan, (4) China, (5) Yemen, (6) Afghanistan, (7) Iran, (8) Czechoslovakia.

(ii) *Agreements of Trade and Commerce under consideration.*—(1) Italy, (2) France, (3) U. S. S. R., (4) Poland, (5) Sweden, (6) Finland, (7) Soviet Zone of Germany, (8) Hungary, (9) Belgium, (10) Austria, (11) Ceylon, (12) Egypt, (13) East Africa, (14) Iran, (15) Australia, (16) Tibet, (17) Iraq, (18) Siam.

Shri H. V. Kamath: In view of the general world drift towards war, what are the reasons for not entering into pacts of non-aggression with other countries?

Dr. B. V. Keskar: The reasons were discussed and very clearly stated by the Government in the various discussions that took place with regard to our foreign policy.

Shri M. Ananthasayanam Ayyangar: Are there any onerous obligations imposed upon us by any treaty of friendship; if so, what are they?

Dr. B. V. Keskar: I cannot say. There is a certain treaty with Nepal by which we pay a certain amount. It all dipends on what the honourable member considers by the term 'onerous'.

Shri H. V. Kamath: How far has the draft treaty of friendship with the U.S.A., to which reference was made by the Honourable the Prime Minister in his reply to my honourable friend Seth Govind Das on the 11th February, 1949, progressed?

Dr. B. V. Keskar: It is in course of negotiation. If my honourable friend will see the statement, which I have laid on the table, he will find the various particulars required by him.

Shri H. V. Kamath: Is there a similar draft treaty under active consideration of Government with the U.S.S.R.?

Dr. B. V. Keskar: No, Sir.

Shri H. V. Kamath: In view of the unfortunate world split between two blocs led by the U.S.A. and U.S.S.R. on either side, why is it that Government is considering a treaty of friendship with the U.S.A., and not also with the U.S.S.R.?

Dr. B. V. Keskar: In answer to a previous question some time ago, I had already indicated that there was a proposal and negotiations are going to begin with regard to a trade treaty with the U.S.S.R.

Shri H. V. Kamath: That is different. What about a friendship treaty?

Dr. B. V. Keskar: I may inform the honourable member that we are trying to enter into treaties of friendship with all countries and not only with U.S.S.R. and U.S.A.

Prof. N. G. Ranga: Was any initiative taken at any time by the U.S.S.R. in regard to this?

Dr. B. V. Keskar: No. With regard to trade: 'Yes'.

Shri H. V. Kamath: Who took the initiative in the case of the proposed treaty with the U.S.A.?

Mr. Speaker: We will go to the next question.

IMMOVEABLE PROPERTIES SOLD AND REGISTERED AFTER KARACHI AGREEMENT

*1868. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state whether after the Karachi Agreement in January 1949 in the Inter-Dominion Conference any immoveable properties in India and Pakistan have been sold and registered; and, if so, how many and what is the total value thereof?

(b) Has any displaced person approached the Government of India for granting facilities to proceed to Pakistan to dispose of their properties, and, if so, with what result?

(c) Is it a fact that those who went to Pakistan in pursuance of the Karachi Agreement were not allowed to sell or register the properties?

The Honourable Shri Mohan Lal Saksena: (a) Three exchanges and one sale have so far been reported. The value of the property affected is reported to be Rupees One Lakh and Rs. 5,000 respectively. In addition the Custodians of Evacuees Property Delhi, East Punjab and U. P. have confirmed a number of transactions which were entered into long before the Karachi Agreement.

(b) No.

(c) Presumably the honourable member is referring to the registration of sales or exchanges at Karachi. If so, it may be stated that the registration of sales and exchanges could not take place in Karachi because the office of the Custodian was not functioning there properly. As soon as this came to notice the matter was taken up at a meeting of the Inter-Dominion Commission and the Pakistan Members of the Commission promised to put things right.

Shri R. K. Sidhva: Was this question discussed this week before the Inter Dominion Conference. If so, with what result?

The Honourable Shri Mohan Lal Saksena: The honourable member must have read in the papers that this question was not discussed at this Conference, and it is proposed to be discussed at another meeting to be held towards the end of this month.

Shri R. K. Sidhva: May I know what is the reason for delaying an important matter like this? It was discussed both in Delhi and Karachi. May I ask why it has been postponed to the end of this month?

The Honourable Shri Mohan Lal Saksena: The reason was that the Honourable Minister in charge of Relief and Rehabilitation in Pakistan, Mr. Shahbuddin, could not come because of some previous engagement.

Shri R. K. Sidhva: May I know, Sir, if it is a fact that after the Karachi Conference the Pakistan Government issued a Press Note that no person will be allowed to remain in Pakistan for selling his property after 15 days and whether Government drew attention in this recent Conference which took place as to why they violated the agreement that was arrived at Karachi and if so, with what result?

The Honourable Shri Mohan Lal Saksena: As a matter of fact the honourable member must have read in the papers that this question was taken up by the Inter-Dominion Conference which met on the 12th March 1949 and the Pakistan representatives have agreed that in regard to Karachi, the period has been extended to one month.

Shri R. K. Sidhva: May I know why this period has been extended to one month? That condition did not exist when the Karachi Agreement was entered into.

The Honourable Shri Mohan Lal Saksena: The reason advanced by Karachi for not extending the period for Karachi was that there was not sufficient accommodation available in Karachi.

Shri R. K. Sidhva: Was any protest raised by our Government against changing of this agreement, which was originally agreed upon by both countries?

The Honourable Shri Mohan Lal Saksena: Not only was a protest made, but the question was reconsidered and as a result of that, this notification has been modified.

Shri Deshbandhu Gupta: Has the attention of the Pakistan Government been invited to the general complaint that propaganda is carried on in Pakistan Press particularly in the West Punjab against the selling of evacuees property?

The Honourable Shri Mohan Lal Saksena: Yes.

Shri Deshbandhu Gupta: With what result?

The Honourable Shri Mohan Lal Saksena: They also have drawn our attention to certain statements made by certain leaders here which are just more or less on the same lines as they have written against the sale of Muslim property.

Shri R. K. Sidhva: May I know, Sir, if in this week's Conference any result has been achieved regarding the pensions of Pakistan evacuees?

The Honourable Shri Mohan Lal Saksena: Yes.

Shri R. K. Sidhva: With what result?

The Honourable Shri Mohan Lal Saksena: It has been agreed that those persons whose pension papers had been transferred up to the 31st December 1947, will be paid by the Dominion to which they have come and as regards others, the liability will be of the other dominion.

Shri R. K. Sidhva: The Honourable the Leader of the House raised an important matter about the Questions and you told Mr. Das to see you in your chamber. My submission is that, as the question has been raised on the floor of the House, it may be answered and the Members' difficulties taken note of by the Leader of the House.

Mr. Speaker: That can be done in my Chamber. Such of the Members as want to make any suggestion are welcome to discuss the matter with me. Let us proceed with the business of the House as the first step in co-operation.

(*b*) WRITTEN ANSWERS

FINALISATION OF PRELIMINARY ELECTORAL ROLLS

*1854. **Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of Law be pleased to state by which date the preliminary electoral rolls are likely to be finalised in various parts of the country?

(b) What time is likely to be taken in the printing of the final electoral rolls and is it proposed to print them in India or outside?

The Honourable Shri Satyanarayan Sinha (Minister of State): (a) and (b). The preliminary electoral rolls under the new Constitution are expected to be finalised and printed by the end of 1949. It is proposed to print them all in India.

INDIA'S TRADE WITH CANADA

*1655. **Shri Lakshminarayan Sahu:** Will the Honourable Minister of Commerce be pleased to state whether the trade between India and Canada (imports and exports) has increased or decreased since India's independence, with reasons in either case?

The Honourable Shri K. C. Neogy: Both imports and exports have decreased. The decrease can be ascribed to:

(1) Restriction of imports into India from dollar areas and Canada's policy of increasing exports to the U.S.A. and other countries in North America.

(2) Imports restrictions imposed by Canada during the period from November 1947 to December 1948 necessitated by her foreign exchange difficulties.

(3) Diversion of a portion of Canada's trade with pre-partition India to the areas now included in Pakistan.

NATURALISATION AND IMMIGRATION LAWS FOR INDIANS IN U.S.A.

*1656. **Shri Lakshminarayan Sahu:** Will the Honourable the Prime Minister be pleased to state:

(a) the latest law passed by the United States Congress affecting the rights of Indians with regard to (i) naturalisation in, and (ii) immigration into, the United States of America;

(b) the number of Indians in the United States of America at the time when the new law was passed;

(c) the number of such resident Indians who were naturalised before and after the new law was passed;

(d) the number of Indians who were (i) admitted into and (ii) naturalised in the United States of America since the law was passed;

(e) whether and in what respects Indians who were already in the United States of America at the time of the passing of the law have a better claim to naturalisation than new entrants; and

(f) whether a new Bill has been introduced in the Congress to eliminate racial discriminations in the immigration and naturalisation laws of the United States of America?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) The latest law on the subject is Public Law 483, approved by the 79th Congress on July 2, 1946.

(b) According to the last official Census of 1940, the number of permanent residents descended from races indigenous to India was 2,405. Further official figures have not yet been compiled.

(c) The total number of Indians naturalised before passage of the law was 48. This figure includes persons of Indian descent outside India and Europeans domiciled in India at the time they immigrated. The total number of Indians naturalised since passage of the law up to 30th June 1948 was 47. Figures after 1st July 1948 have not yet been compiled.

(d) The number of persons of Indian descent and debitable to Indian quota admitted between the 1st July 1947 and the 30th June 1948 is 236. Figures after the 1st July 1948 have not yet been compiled. Figures of naturalisation granted to Indians admitted after the passage of law have not been compiled as such but the total number naturalised up to 30th June 1948 is 47, as stated in (c) above.

(e) There is no difference in regard to their respective rights but legally settled residents may count their period of stay towards the minimum residential requirement of five years for the submission of petitions declaring their intention to become United States citizens.

(f) Yes; that Bill does not appear to affect persons of Indian descent materially.

REDUCTION IN CURRENCY EXCHANGE TO INDIANS RETURNING FROM INDO-CHINA

*1657. **Shri V. N. Pillai:** (a) Will the Honourable the Prime Minister be pleased to state whether it is a fact that the Government of India have reduced the sum of Rs. 300, usually given in exchange for local currency in Indo-China for travel expenses to Indians who return to India; to Rs. 150 and, if so, why?

(b) In view of the great difficulty experienced by Indians due to want of adequate funds for travel expenses, what action do Government propose to take?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) and (b). The sum which was originally Rs. 250 (not Rs. 300) has been reduced for Rs. 150 which is now considered adequate.

INCORPORATION OF SOUTH WEST AFRICA IN UNION OF SOUTH AFRICA

*1658. **Shri Lakshminarayan Sahu:** (a) Will the Honourable the Prime Minister be pleased to state whether the Government of South Africa intends to take action to incorporate or otherwise assimilate South West Africa in the Union of South Africa?

(b) Has such an action the approval of the Government of India and of the United Nations?

(c) If not, what action, if any, have the Government of India taken to prevent the action of the South African Government?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) to (c). The Government of the Union of South Africa have introduced a Bill in their Parliament with a view to giving representation to South West Africa in the Union Parliament. The spokesmen of the Union Government have repeatedly averred that the proposed arrangement for the closer union of South West Africa with the Union does not mean incorporation. The position of South West Africa was considered by the General Assembly of the United Nations in 1946, 1947 and 1948 and on each occasion the General Assembly recommended that South West Africa be placed under a trusteeship system. The Indian Delegation at the United Nations General Assembly supported this recommendation. The Government of India are strongly of opinion that this recommendation of the United Nations General Assembly should be given effect to, and their representatives will press for this in the General Assembly whenever this question is considered there. There is no other action that they can take by themselves in this matter.

NEGOTIATIONS BETWEEN NEPAL, U.S.A. AND U.K. *re* AIR BASE IN NEPAL

*1659. **Pandit Mukut Bihari Lal Bhargava:** Will the Honourable the Prime Minister be pleased to state:

(a) whether it is a fact that negotiations are going on between Nepal and the Governments of the United States of America and United Kingdom for the establishment of an air base in Nepal in return for substantial financial aid and technical assistance;

(b) whether it is also a fact that the United States of America is negotiating for the development of Nepal's vast mineral resources and hydro-electric potentialities; and

(c) whether the United States of America has offered assistance to Nepal for developing Nepal's land communications with India?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) to (c). The Government of India have no knowledge of any such negotiations.

PERMITS FOR ENTRY OF INDIANS FROM FRENCH INDIA

*1660. **Shri P. Kunhiraman:** Will the Honourable the Prime Minister be pleased to state:

(a) whether it is a fact that the Government of India have decided to introduce permit system from the 1st April, 1949 for the entry of French Indians into India;

(b) if so, for what reasons; and

(c) whether it applies to all French settlements in India?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) and (c). A copy of a press note issued on the subject on the 28th March 1949, relating to travel between India and Pondicherry and Karikal, is placed on the table of the House.

(b) The system has been introduced for security reasons and also to check smuggling that may follow the termination of the Customs Union Agreement with effect from 1st April 1949.

PRESS COMMUNIQUE

Consequent on the termination of the Customs Union Agreement with the French Settlements in India from the first April, 1949, it has been decided to cancel from that date the exemption granted under the Indian Passport Rules 1921, to persons domiciled in India, proceeding from the French Establishments of Pondicherry and Karikal and persons domiciled in foreign possessions in India proceeding to India from those Establishments. Such persons will therefore, be subject to the provisions of the Indian Passport Rules, 1921 with effect from the first April, 1949 and will have to obtain a travel document validated by the competent authority for entry into India or the French Establishments of Pondicherry and Karikal, as the case may be. To avoid inconvenience and expense, a special type of identity document has been prescribed for which a fee of only Re. 1 will be charged.

2 The above action has been decided upon to facilitate the checking and detection of smuggling and other evasions of import and export control regulations.

New Delhi, the 28th March, 1949.

TRANSFER OF PENSION DOCUMENTS FROM PAKISTAN

*1661. **Giani Gurmukh Singh Musafir:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state whether it is a fact that Government have decided to continue the pensions of those Central Government pensioners, who got their pension documents transferred from Pakistan to India before 15th August 1947 and to restrict the pensions of those Central Government pensioners whose documents were transferred after the 15th August, 1947?

(b) If the answer to part (a) above be in the affirmative, what are the grounds for the adoption of such a policy?

(c) Will the pensioners who applied for the transfer of their pensions before 15th August, 1947, but got their pensions transferred after that date, be affected by such orders?

The Honourable Shri Mohan Lal Saksena: The question should have been addressed to the Honourable Minister of Finance. It has accordingly been transferred to the list of Questions for the 6th April 1949 when the Honourable Minister of Finance will answer it.

CAMPS FOR REFUGEES IN UNITED STATES OF RAJASTHAN

*1662. **Shri Balwant Sinha Mehta:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state how many displaced persons

from Pakistan are residing in each of the various camps in the United States of Rajasthan?

(b) How many of them are supplied with free ration and how many purchase their own?

(c) What is the arrangement for rehabilitating them in various vocations?

(d) What is the daily expenditure incurred by Government on each of these camps?

(e) What is the total number of school-going children in these camps?

(f) Have facilities been provided for these children to attend schools and if not, why not?

The Honourable Shri Mohan Lal Saksena: (a) and (d). A statement is laid on the table of the House.

(b), (e) and (f). The information is not available and has been called for.

(c) The arrangements are:

(i) Grant of land for cultivation.

(ii) Provision of residential accommodation.

(iii) Construction of shops.

(iv) Grant of loans for providing gainful occupations.

(v) Vocational and Technical training for about 1,000 displaced persons.

STATEMENT

Number of displaced persons from Pakistan in each of the various Camps in United States of Rajasthan and Daily Expenditure thereon.

Name of the Camp	Population	Daily expenditure
		Rs.
Udaipur	4,128	1,737
Nathdwara	728	385
Kankroli	647	282
Chitorgarh	1,600	675
Bhilwara	1,864	696
Gulab Pura	542	217
Kotah	6,000	2,290
Bundi	233	96
Ghoti Sadri	208	91
Destitute Home	50	100
Total	15,655	

TRAINING IN COST ACCOUNTANCY IN U.K. AND U.S.A.

*1663. **Shri G. S. Guha:** Will the Honourable Minister of Commerce be pleased to state whether it is proposed to encourage training of qualified Indians in higher Cost Accountancy in the United Kingdom?

The Honourable Shri K. C. Neogy: Yes Sir. The Government of India announced as far back as 1946, that with a view to encouraging training of qualified Indians in higher Cost Accountancy in U.K. and also in U.S.A., they would do their best to secure for them admission to appropriate firms or institutions in these countries through their representatives stationed in these countries and also grant such priority passage and exchange facilities as may be necessary and feasible, and this policy continues to be observed.

RESEARCH IN MANUFACTURE OF RADIO VALVES

*1664. **Shri G. S. Guha:** (a) Will the Honourable the Prime Minister be pleased to state whether any research is being conducted under the Council of Scientific and Industrial Research in radio valves for developing a type more suitable for Indian conditions?

(b) If so, do the Scientists employed in the work have foreign scientific and technical training?

(c) If such research workers have no foreign training, is it in the contemplation of Government to give them or some of them advance scientific and technical training in countries like the United States of America or the United Kingdom?

The Honourable Shri Jawaharlal Nehru: (a) Yes. A research scheme on investigations on manufacture of radio valves in India is being financed by the Council of Scientific and Industrial Research.

(b) The scheme is being worked under one of the eminent physicists of India, Dr. S. K. Mitra, Ghosh, Professor of Physics, University of Calcutta. Dr. Mitra was educated in England and has since been abroad on several occasions. The research workers working with him have not had any foreign training.

(c) No. Not at this stage.

EXPORT OF LIMESTONE FROM ASSAM FOR MANUFACTURE OF CEMENT IN EASTERN PAKISTAN

*1665. **Shri G. S. Guha:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state the names of places where there are limestone quarries in Assam?

(b) Is it a fact that limestone for the Assam-Bengal Cement Company's factory at Chhattack, East Pakistan, is taken from the quarries in the Khasi Hills in Assam?

(c) If so, is there any agreement between the two Dominions regarding the export of a specified percentage of the quantity of cement produced in the factory to Assam or any other part of the Indian Dominion?

The Honourable Shri N. V. Gadgil: (a) As permits for limestone quarries are granted by the Provincial Government, the information asked for is not available with the Government of India.

(b) The reply is in the affirmative so far as I am aware.

(c) Not to my knowledge.

PETROLEUM IN TRIPURA STATE

*1666. **Shri G. S. Guha:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether any petroleum mine has been discovered in the Tripura State?

(b) If so, when is the work of boring likely to commence?

The Honourable Shri N. V. Gadgil: (a) There are indications of the existence of petroleum in Tripura State. But no actual mine has yet been sunk.

(b) This point is under consideration.

BUSINESS OF ALLIANZ UND STUTTGARTER LIFE INSURANCE BANK LTD., IN INDIA

*1667. **Shri Arun Chandra Guha:** Will the Honourable Minister of Commerce be pleased to state:

(a) whether the Government of India in the year 1939 undertook to maintain the current business of The Allianz Und Stuttgarter Life Insurance Bank Limited and have since then been collecting the premiums of the existing policies;

(b) whether before that Government had satisfied themselves that the assets of the Company in India were sufficient to meet the claims of the policies;

(c) whether Government directly or indirectly gave any assurance that the normal policy conditions would be given effect to;

(d) when valuation was made and what the recommendation of the Actuary was;

(e) what led Government to impose a provisional cut of 20 per cent. on all claims;

(f) whether Government now propose to hand over the company to some other company on the basis of 20 per cent. cut;

(g) whether Government have got any proposal from the Committee of Policy-holders to run the company as a mutual company; and

(h) whether Government propose to consider this proposal before deciding to hand over the company to any other company on the basis of 20 per cent. cut?

The Honourable Shri K. C. Neogy: (a) On the outbreak of the war in 1939 with a view to safeguarding the interests of the policyholders of the 'Allianz', the Government authorized Messrs. A. F. Ferguson and Company, Chartered Accountants, to carry on the existing business of the company under the Government's superintendence, direction and control.

(b) The exact financial position could not be ascertained without making an actuarial valuation of the company. The Government, however, satisfied itself by a rough estimate that there were sufficient assets of the Company in the country to justify the expectation that generally speaking claims could be met as they arose.

(c) No such undertaking was given.

(d) The valuation was made as at 30th September 1940. The actuary recommended a cut of 10 per cent. on all policy payments.

(e) In order to provide adequate margin of safety for factors not specifically provided for by the actuary, a cut of 20 per cent. on all policy benefits was imposed by the Government.

(f) The question of handing over the business of the company to some sound insurer if the policy holders will benefit thereby, is under consideration of Government. The restoration of the 20 per cent. cut in policy benefits, either partly or wholly, will depend on the results of the next acturial valuation to be undertaken in the near future.

(g) A proposal to run the Company as a mutual company was received from the so-called Policyholders' Committee.

(h) The proposal will be considered before Government take a final decision to hand over the business to some other insurer.

STATUTORY BODIES ON WHICH LEGISLATURE IS REPRESENTED

*1668. **Prof. Shibban Lal Saksena:** (a) Will the Honourable the Prime Minister be pleased to lay on the table of the House the names of all the Statutory Bodies like University Bodies, Scientific Institutes, Advisory Boards, Standing Committees attached to various Ministries and other bodies to which the Constituent Assembly of India (Legislative) elects its representatives since

15th August, 1947 together with the names of the present representatives and the period for which they will serve there?

(b) What is the percentage of attendance of these members on these various bodies since 15th August, 1947?

The Honourable Shri Jawaharlal Nehru: (a) The requisite information is given on pages 29—38 of the printed Brochure published by the Office of the Constituent Assembly of India (Legislative) entitled "Committees of the Central Legislature and other bodies on which the Central Legislature is represented". Copies of this brochure are available in that office.

(b) A statement showing the attendance of members on the various Standing Committees is laid on the table.

STATEMENT

Ministry	Date	Names of members attending	Percentage of attendance
1	2	3	4
Agriculture	12.4.1948	1. Ch. Ranbir Singh 2. Dr. P.S. Deshmukh 3. Shri Ramnarayan Singh 4. Shri Upendra Nath Barman 5. Shri Kishorimohan Tripathi 6. Shri Ram Sahai 7. Syed Abdur Rouf	70%
	28.7.1948 to 30.7.1948	1. Ch. Ranbir Singh 2. Dr. P. S. Deshmukh 3. Shri Ramnarayan Singh 4. Shri Upendra Nath Barman 5. Shri Kishorimohan Tripathi 6. Shri Ram Sahai 7. Shri Damoder Swarup Seth	76%
	4-2-1949 and 5.2.1949	1. Ch. Ranbir Singh 2. Dr. P.S. Deshmukh 3. Shri Ramnarayan Singh 4. Shri Upendra Nath Barman 5. Shri Kishorimohan Tripathi 6. Shri Ram Sahai	60%
	10.3.1949	1. Shri Kishorimohan Tripathi 2. Shri Upendra Nath Barman 3. Shri Ramnarayan Singh 4. Ch. Ranbir Singh 5. Dr. P. S. Deshmukh	80%
	18.3.1949	1. Shri Upendra Nath Barman 2. Shri Ramnarayan Singh 3. Ch. Ranbir Singh 4. Dr. P. S. Deshmukh 5. Sardar Jogindra Singh	60%
Commerce	4.4.1948	1. Dr. B. Pattabhi Sitaramayya 2. Sir Padampat Singhania 3. Sri U. Srinivasa Mallayya 4. Sri Satyanarayana Sinha 5. Sri Bhawanji Arjan Khimji	50%
	21.5.1948	1. Dr. B. Pattabhi Sitaramayya 2. Sir Padampat Singhania 3. Sri N. Madhava Rau 4. Mr. B. P. Jhunjhunwala 5. Shri B. A. Khimji 6. Sri M. C. Veerabahu Pillai 7. Sri U. Srinivasa Mallayya	76%

1	2	3	4
Commerce—*Contd.*	5-8-1948	1. Dr. B.Pattabhi Sitaramayya 2. Sri Satyanarayana Sinha 3. Sri T.A. Ramalingam Chettiar 4. Sri U. Srinivasa Mallayya 5. Shri M. C. Veerabahu Pillai	50%
	29-1-1949	1. The Honourable Shri Satyanarayan Sinha 2. Dr. B. Pattabhi Sitaramayya	20%
	5-3-1949	1. The Honourable Shri Satyanarayan Sinha 2. Dr. B. Pattabhi Sitaramayya 3. Shri T. A. Ramalingam Chettiar 4. Shri U. Srinivasa Mallayya 5. Shri B.A. Khimji 6. Shri Prabhu Dayal Himatsingka	60%
	19-3-1949	1. Shri T.A. Ramalingam Chettiar 2. Shri U. Srinivasa Mallayya 3. Shri M. C. Veerabahu Pillai	30%
Communication.	14-2-1948	1. Raja Sardar Singhji Bhadur of Khetri 2. Shri Brajeshwar Prasad 3. Shri Miharial Chattopadhyaya 4. Kazi Syed Karimuddin	40%
	20-3-1948	1. Raja Sardar Singhji Bahadur of Khetri 2. Shri Brajeshwar Prasad 3. Shri P. Kunhiraman 4. Shri Mihirlal Chattopadhyaya 5. Kazi Syed Karimuddin	50%
	17-7-1948	1. Shri Brajeshwar Prasad 2. Shri Mukut Bihari Lal Bhargava 3. Shri Shamsher Jang 4. Kazi Syed Karimuddin	40%
	14-8-1948	1. Shri Himmat Singh K. Maheshwari 2. Pandit Mukut Bihari Lal Bhargava 3. Shri Brajeshwar Prasad 4. Lala Achint Ram 5. Kazi Syed Karimuddin 6. Shri Mihirlal Chattopadhyaya 7. Shri P. Kunhiraman	70%
	12-1-1949	1. Shri Himmat Singh K. Maheswari 2. Shri Brajeshwar Prasad 3. Shri P. Kunhiraman 4. Shri K. Hanumanthaiya 5. Lala Achint Ram 6. Shri Mahavir Tyagi	60%
	19-2-1949	1. Shri Brajeshwar Prasad 2. Shri Mihirlal Chattopadhyaya 3. Shri P. Kunhiraman 4. Lala Achint Ram 5. Shri Mahavir Tyagi 6. Shri K. Hanumanthaiya	60%
Defence	25-6-1948	1. Pandit Hirday Nath Kunzru 2. Shri C. M. Poonacha 3. Shri H. V. Kamath 4. Pandit Thakur Das Bhargava 5. Shri S. K. Patil 6. Dr. B. V. Keskar	60%

1	2	3	4
Defence—*Contd.*	12.8.1948	1. Pandit Hirday Nath Kunzru 2. Sardar Jogindra Singh 3. Shri Mohan lal Gautam 4. Pandit Thakur Das Bhargava 5. Shri H.V. Kamath 6. Shri C.M. Poonacha 7. Mr. Hassain Imam 8. Dr. B. V. Keskar 9. Shri S. K. Patil	60%
	2-11-1948	1. Pandit Hirday Nath Kunzru 2. Mr. Hassain Imam 3. Sardar Jogindra Singh 4. Pandit Thakur Das Bhargava 5. Shri H.V. Kamath 6. Shri C. M. Poonacha	60%
	13.11.1948	1. Pandit Hirday Nath Kunzru 2. Sardar Jogindra Singh 3. Shri Mohanlal Gautam 4. Pandit Thakur Das Bhargava 5. Shri H.V. Kamath 6. Shri C. M. Poonacha 7. Shri Gopikrishna Vijaivargiya	70%
	23.11.1948	1. Pandit Hirday Nath Kunzru 2. Sardar Jogindra Singh 3. Pandit Thakur Das Bhargava 4. Shri H. V. Kamath 5. Shri C. M. Poonacha 6. Mr. Hassain Imam	60%
	18.2.1949	1. Pandit Thakur Das Bhargava 2. Shri H. V. Kamath 3. Shri Mohanlal Gautam 4. Shri C. M. Poonacha 5. Shri G.K. Vijaivargiya	56%
	19.2.1949	1. Pandit Hirday Nath Kunzru 2. Pandit Thakur Das Bhargava 3. Shri H. V. Kamath 4. Shri Mohanlal Gautam 5. Shri C. M. Poonacha 6. Shri G. K. Vijaivargiya	67%
	22.2.1949	1. Pandit Hirday Nath Kunzru 2. Pandit Thakur Das Bhargava 3. Shri H. V. Kamath 4. Mr. Hassain Imam 5. Shri C. M. Poonacha 6. Shri G. K. Vijaivargiya	67%
Education	April, 1948	1. Pandit Govind Malaviya 2. Dr. H. C. Mookerjee 3. Shrimati Ammu Swaminathan 4. Professor Yashwant Rai 5. Prof. K. T. Shah 6. Shri V. C. Kesava Rao 7. Shri T. Channiah	70%
	August, 1948	1. Pandit Govind Malaviya 2. Prof. K. T. Shah 3. Shrimati Sucheta Kriplani 4. Shrimati Ammu Swaminathan 5. Dr. H. C. Mookerjee 6. Prof. Yashwant Rai 7. Shri V. C. Kesava Rao 8. Shri T. Channiah	80%

1	2	3	4
External Affairs and Commonwealth Relations	12-8-1948	1. Pandit Hirday Nath Kunzru. 2. Seth Govind Das 3. Shri B. Shiva Rao 4. Begum Aizaz Rasul 5. Prof. N. G. Ranga 6. Shri H. V. Kamath 7. Maharaja Shri Kameshwara Singh 8. Shri S. V. Krishnamoorthy Rao 9. Shri Thirumala Rao	80%
	21-8-1948	1. Pt. Hirday Nath Kunzru 2. Seth Govind Das 3. Shri B. Shiva Rao 4. Begum Aizaz Rasul 5. Prof. N. G. Ranga 6. Shri H. V. Kamath 7. Maharaja Shri Kameshwara Singh 8. Shri S. V. Krishnamoorthy Rao 9. Shri Thirumala Rao	80%
	2-9-1948	1. Pandit Hirday Nath Kunzru 2. Seth Govind Das 3. Prof. N. G. Ranga 4. Shri H.V. Kamath 5. Begum Aizaz Rasul 6. Majaraja Shri Kameshwara Singh 7. Shri Thirumala Rao 8. Shri V. Nadimuthu Pillai 9. Shri S. V. Krishnamoorthy Rao	90%
	13-9-1948	1. Pandit Hirday Nath Kunzru 2. Shri H. V. Kamath 3. Prof. N. G. Ranga 4. Seth Govind Das 5. Shri B. Shiva Rao 6. Shri S. V. Krishnamoorthy Rao 7. Begum Aizaz Rasul	70%
	4-8-1948	1. Pandit Hirday Nath Kunzru 2. Shri H. V. Kamath 3. Professor N. G. Ranga 4. Seth Govind Das 5. Shri B. Shiva Rao 6. Shri S. V. Krishnamoorthy Rao 7. Shri Thirumala Rao 8. Maharaja Shri Kameshwara Singh	80%
	16-9-1948	1. Seth Govind Das 2. Prof. N. G. Ranga 3. Shri B. Shiva Rao 4. Begum Aizaz Rasul 5. Shri H. V. Kamath 6. Shri S. V. Krishnamoorthy Rao	60%
	19-8-1948	1. Pandit Hirday Nath Kunzru 2. Shri S. V. Krishnamoorthy Rao 3. Shri V. Nadimuthu Pillai 4. Shri B. Shiva Rao 5. Prof. N. G. Ranga 6. Begum Aizaz Rasul 7. Shri H. V. Kamath 8. Seth Govind Das 9. Maharaja Shri Kameshwara Singh	90%
[illegible]	12-8-1948	1. Pandit Govind Malviya 2. Shri Satish Chandra Samanta 3. Shri L. Krishnaswami Bharti 4. Saiyid Jafar Imam 5. Shri B.K. Sidhva	60%

1	2	3	4
Food—*Contd.*	13-6-1948	1. Pandit Govind Malviya 2. Shri Satish Chandra Samanta 3. Shri L. Krishnaswami Bharti 4. Saiyid Jafar Imam 5. Shri R.K. Sidhva	50%
	20-1-1949	1. Pandit Govind Malviya 2. Shri R.K. Sidhva 3. Shri Nand Lal 4. Satish Chandra Samanta 5. Saiyid Jafar Imam	5%
Health	8-8-1948	Four members attended. No record of names was kept	40%
	6-9-1948	1. Shrimati Dakshayani Velayudhan 2. Dr. H. C. Mookerjee 3. Dr. V. Subramaniam 4. Shri Sunder Lal 5. Babu Ramnarayan Singh	50%
	5-12-1948	1. Shrimati Dakshayani Velayudhan 2. Babu Ramnarayan Singh 3. Shri V. B. Vaidya 4. Dr. V. Subramaniam 5. Shri Sunder Lal	50%
	5-2-1949	1. Shrimati Dakshayani Velayudhan 2. Dr. P. K. Sen 3. Dr. H. C. Mookerjee 4. Babu Ramnarayan Singh 5. Shri V. B. Vaidya 6. Dr. V. Subramaniam	60%
	19-3-1949	1. Shrimati Dakshayani Velayudhan 2. Mrs. Kamala Chaudhri 3. Dr. P. K. Sen 4. Srijut Kuladhar Chaliha 5. Shri V. B. Vaidya 6. Dr. V. Subramaniam 7. Shri Sunder Lal	70%
Home Affairs	21-6-1948	1. Shri Jai Sukh Lal Hathi 2. Shri Balkrishna Sharma 3. Shri Deshbandhu Gupta 4. Dr. P. S. Deshmukh 5. Giani Gurmukh Singh Musafir 6. Shri S. K. Patil 7. Shri Jainaraian Vyas 8. Shri L. Krishnaswami Bharathi	60%
	13-2-1949	1. Shri Deshbandhu Gupta 2. Shri L. Krishnaswami Bharathi 3. Giani Gurmukh Singh Musafir	30%
Industry and Supply	3-4-1948	1. Shri T. A. Ramalingam Chettiar 2. Shri M. Ananthasayanam Ayyangar 3. Shri Ramnath Goenka 4. Shri C. Subramaniam 5. Shri B. L. Sondhi 6. Shri U. Srinivasa Mallayya 7. Begum Aizaz Rasul	70%

1	2	3	4
Industry and Supply—*Contd.*	16-8-1948	1. Shri A. B. Latthe. 2. Shri B. L. Sondhi. 3. Shri T. A. Ramalingam Chettiar 4. Begum Aizaz Rasul 5. Prof. N. C. Laskar	50%
	19-8-1948	1. Shri U. Srinivasa Mallayya 2. Prof. N. C. Laskar 3. Shri B. L. Sondhi. 4. Shri Ramnath Goenka 5. Begum Aizaz Rasul	50%
	21-8-1948	1. Shri M. Ananthasayanam Ayyangar 2. Prof. N. C. Laskar 3. Shri B. L. Sondhi. 4. Shri U. Srinivasa Mallayya 5. Shri T. A. Ramalingam Chettiar 6. Begum Aizaz Rasul	60%
	24-8-1948	1. Shri B. L. Sondhi. 2. Shri Ramnath Goenka 3. Shri M. Ananthasayanam Ayyangar 4. Shri T. A. Ramalingam Chettiar 5. Prof. N. C. Laskar	50%
	30-8-1948	1. Shri M. Ananthasayanam Ayyangar 2. Shri U. Srinivasa Mallayya 3. Shri T. A. Ramalingam Chettiar 4. Prof. N. C. Laskar 5. Shri Ramnath Goenka 6. Begum Aizaz Rasul	50%
	30-12-1948	1. Shri T. A. Ramalingam Chettiar 2. B. L. Sondhi 3. Shri U. Srinivasa Mallayya 4. Begum Aizaz Rasul 5. Prof. N. C. Laskar	50%
	14-2-1949	1. Shri Ramnath Goenka 2. Shri U. Srinivasa Mallayya 3. Shri B. L. Sondhi 4. Begum Aizaz Rasul 5. Shri T. A. Ramalingam Chettiar 6. Shri M. Ananthasayanam Ayyangar 7. Prof. N. C. Laskar	70%
	15-2-1949	1. Shri Ramnath Goenka 2. Shri U. Srinivasa Mallayya 3. Shri Bikramjal Sondhi 4. Shri T. A. Ramalingam Chettiar 5. Shri M. Ananthasayanam Ayyangar 6. Prof. N. C. Laskar 7. Shri C. Subramaniam	70%
	16-2-1949	1. Shri Bikramjal Sondhi 2. Shri Ramnath Goenka 3. Shri U. Srinivasa Mallayya 4. Shri T. A. Ramalingam Chettiar 5. Shri C. Subramaniam 6. Prof. N. C. Laskar 7. Shri M. Ananthasayanam Ayyangar	70%
	4-3-1949	1. Shri Ramnath Goenka 2. Shri C. Subramaniam 3. Shri U. Srinivasa Mallayya 4. Shri T. A. Ramalingam Chettiar 5. Shri Bikramjal Sondhi	50%

1	2	3	4
Industry and Supply—*Contd.*	18-3-1949	1. Shri Bikramlal Sondhi 2. Shri T. A. Ramalingam Chettiar 3. Shri C. Subramaniam 4. Shri U. Srinivasa Mallayya 5. Begum Aizaz Rasul 6. Prof. N. C. Laskar 7. Shri M. Ananthasayanam Ayyangar	70%
	22-3-1949	1. Shri Ramnath Goenka 2. Shri Bikramlal Sondhi 3. Begum Aizaz Rasul 4. Shri T. A. Ramalingam Chettiar 5. Shri U. Srinivasa Mallayya 6. Shri M. Ananthasayanam Ayyangar 7. Prof. N. C. Laskar	70%
Information and Broadcasting	7-4-1948	1. Shri A. C. Guha 2. Shri Ramnath Goenka 3. Shrimati G. Durgabai 4. Dr. Dharam Parkash 5. Shri Ram Sahai 6. Shri Sri Narain Mahtha 7. Pt. Balkrishna Sharma	70%
	29-8-1948	1. Shri A. C. Guha 2. Shri Ramnath Goenka 3. Shrimati G. Durgabai 4. Dr. Dharam Parkash 5. Shri Ram Sahai 6. Shri Sri Narain Mahtha 7. Pt. Balkrishna Sharma 8. Mr. Abdul Kadar Mohammad Sheikh	80%
	25-2-1949	1. Shri A. C. Guha 2. Shri Ramnath Goenka 3. Shrimati G. Durgabai 4. Dr. Dharam Parkash 5. Shri Ram Sahai 6. Shri Sri Narain Mahtha 7. Pt. Mukut Bihari Lal Bhargava	70%
	1-3-1949	1. Shri A. C. Guha 2. Shri Ramnath Goenka 3. Shrimati G. Durgabai 4. Dr. Dharam Parkash 5. Shri Ram Sahai 6. Shri Sri Narain Mahtha 7. Pt. Mukut Bihari Lal Bhargava	70%
Labour	6-4-1948	1. Shri V. C. Keseva Rao 2. Shri C. Subramaniam 3. Shri Gokulbhai Daulatram Bhatt 4. Shrimati Renuka Ray 5. Prof. Shibban Lal Saxena	60%
	10-8-1948	1. Shri V. C. Keseva Rao 2. Shri Khandubhai K. Desai 3. Shrimati Renuka Ray 4. Shri Gopikrishna Vijayavargiya 5. Shri Gokulbhai Daulatram Bhatt 6. Prof. Shibban Lal Saxena	60%
	5-3-1949	1. Shri Khandubhai K. Desai 2. Shrimati Renuka Ray 3. Shri G. D. Bhatt 4. Shri C. Subramaniam 5. Shri Hariharnath Shastri	60%

1	2	3	4
Law	23-7-1948	1. Dr. Bakshi Tek Chand 2. Dr. P. K. Sen 3. Shrimati G. Durgabai	60%
	4-2-1949	1. Dr. Bakshi Tek Chand 2. Dr. P. K. Sen 3. Shrimati G. Durgabai	60%
	22-3-1949	1. Dr. Bakshi Tek Chand 2. Dr. P. K. Sen 3. Shrimati G. Durgabai	60%
Relief and Rehabilitation	3-5-1948	1. Shri Khurshed Lal 2. Shri Jaspat Roy Kapoor 3. Prof. Shibban Lal Saksena 4. Giani Gurmukh Singh Musafir 5. Shri Basanta Kumar Das 6. Ch. Ranbir Singh	60%
	1-5-1948	1. Shri Khurshed Lal 2. Shri Jaspat Roy Kapoor 3. Prof. Shibban Lal Saksena 4. Giani Gurmukh Singh Musafir 5. Shri Basanta Kumar Das 6. Ch. Ranbir Singh	60%
	31-8-1948	1. Shri Basanta Kumar Das 2. Giani Gurmukh Singh Musafir 3. Ch. Ranbir Singh 4. Shri Jaspat Roy Kapoor 5. Prof. Shibban Lal Saksena 6. Dr. Bakshi Tek Chand	60%
	1-9-1948	1. Shri Basanta Kumar Das 2. Giani Gurmukh Singh Musafir 3. Ch. Ranbir Singh 4. Shri Jaspat Roy Kapoor 5. Prof. Shibban Lal Saksena 6. Dr. Bakshi Tek Chand	60%
	28-12-1948	1. Dr. Bakshi Tek Chand 2. Giani Gurmukh Singh Musafir 3. S. Bhopindra Singh Man 4. Shri Jaspat Roy Kapoor 5. S. Ranbir Singh 6. Shri Basanta Kumar Das	60%
	19-2-1949	1. Dr. Bakshi Tek Chand 2. Shrimati Suchets Kripalani 3. Shri Jaspat Roy Kapoor 4. Shri Basanta Kumar Das	40%
States	31-3-1948	1. Dr. B. Pattabhi Sitaramayya 2. Shri Brajeshwar Prasad 3. Shri Surendra Mohan Ghosh	30%
	6-9-1948	1. Dr. B. Pattabhi Sitaramayya 2. Shri Balwant Rai G. Mehta 3. Shri Brajeshwar Prasad 4. Shri Surendra Mohan Ghosh 5. Shri V. S. Sarwate 6. Mr. Hussain Imam	60%
	3-1-1949	1. Dr. B. Pattabhi Sitaramayya 2. Pandit Hiralal Shastri 3. Shri Balwant Rai G. Mehta 4. Shri Brajeshwar Prasad 5. Sir V. T. Krishnamachari	50%

1	2	3	4
Transport (other than Roads)	17-8-1948	1. Shri Satis Chandra Samanta 2. Shri O. V. Alagesan 3. Shri K. Santhanam	30%
	5-2-1949	1. Shri B. N. Munavalli 2. Shri P. Kunhiraman 3. Shri Satis Chandra Samanta 4. Shri K. Santhanam	40%
	9-3-1949	1. Shri P. Kunhiraman 2. Shri Brijlal Nandlal Biyani 3. Shri K. Santhanam	30%
Works, Mines and Power	3-4-1948	1. Shri Gokulbhai Daulatram Bhatt 2. Shri B. Das 3. Shri Kanayalal Nanubhai Desai 4. Shri Sri Narain Mahta 5. Shri Suresh Chandra Majumdar	50%
	24-7-1948	1. Shri B. Das. 2. Shri O. V. Alagesan 3. Shri Jaipal Singh 4. Shri Kanayalal Nanubhai Desai 5. Shri Suresh Chandra Majumdar 6. Mr. Tajamul Hussain 7. Shri Basanta Kumar Das	70%
	11-8-1948	1. Shri Gokulbhai Daulatram Bhatt 2. Shri B. Das 3. Shri O. V. Alagesan 4. Shri Jaipal Singh 5. Shri Kanayalal Nanubhai Desai 6. Shri Sri Narain Mahta 7. Shri Suresh Chandra Majumdar 8. Mr. Tajamal Hussain 9. Shri Basanta Kumar Das	90%
	5-12-1948	1. Shri B. Das 2. Shri O. V. Alagesan 3. Shri Jaipal Singh 4. Shri Kanayalal Nanubhai Desai 5. Shri Sri Narain Mahta 6. Shri Suresh Chandra Majumdar 7. Mr. Tajamul Hussain 8. Shri B. K. Das 9. Mr. E. John Phillipose	90%
	11-2-1949	1. Shri B. Das 2. Shri O. V. Alagesan 3. Shri Jaipal Singh 4. Mr. Tajamul Hussain 5. Shri Basanta Kumar Das	50%
	27-2-1949	1. Shri Gokulbhai Daulatram Bhatt 2. Shri B. Das 3. Shri O. V. Alagesan 4. Shri Jaipal Singh 5. Shri Kanayalal Nanubhai Desai 6. Mr. Tajamul Hussain 7. Shri Basanta Kumar Das	70%

1	2	3	4
Standing Finance Committee	7-5-1948	1. Shri Surendra Mohan Ghose 2. Pandit Thakur Das Bhargava 3. Shri B. Shiva Rao 4. Shrimati Renuka Ray 5. Shri U. Srinivasa Mallaya 6. Prof. K. T. Shah 7. Shri T. T. Krishnamachari 8. Shri M. Ananthasayanam Ayyangar 9. Shri Biswanath Das 10. Haji Seth Abdus Sattar Haji Ishaq Seth 11. Shri Khurshed Lal	89%
	21-5-1948	1. Shri Surendra Mohan Ghose 2. Prof. N. G. Ranga 3. Pandit Thakur Das Bhargava 4. Begum Aizaz Rasul 5. Shri B. Shiva Rao 6. Shrimati Renuka Ray 7. Shri U. Srinivasa Mallaya 8. Shri B. L. Sondhi 9. Prof. K. T. Shah 10. Shri T. T. Krishnamachari 11. Shri M. Ananthasayanam Ayyangar 12. Shri Biswanath Das 13. Shri Khurshed Lal	95%
	14-8-1948	1. Shri Surendra Mohan Ghose 2. Prof. N. G. Ranga 3. Pandit Thakur Das Bhargava 4. Begum Aizaz Rasul 5. Shri B. Shiva Rao 6. Shri U. Srinivasa Mallaya 7. Shri B. L. Sondhi 8. Prof. K. T. Shah 9. Shri T. T. Krishnamachari 10. Shri M. Ananthasayanam Ayyangar 11. Shri Biswanath Das 12. Shri Khurshed Lal	92%
	7-1-1949	1. Shri Surendra Mohan Ghose 2. Prof. N. G. Ranga 3. Pandit Thakur Das Bhargava 4. Begum Aizaz Rasul 5. Shri B. Shiva Rao 6. Shrimati Renuka Ray 7. Shri U. Srinivasa Mallaya 8. Shri Bikram Lal Sondhi 9. Prof. K. T. Shah 10. Shri M. A. Ayyangar 11. Shri Biswanath Das 12. Shri B. P. Jhunjhunwala	94%
	6-1-1949	1. Shri Surendra Mohan Ghose 2. Prof. N. G. Ranga 3. Pandit Thakur Das Bhargava 4. Begum Aizaz Rasul 5. Shri B. Shiva Rao 6. Shrimati Renuka Ray 7. Shri U. Srinivasa Mallaya 8. Shri Bikram Lal Sondhi 9. Prof. K. T. Shah 10. Shri T. T. Krishnamachari 11. Shri Biswanath Das 12. Shri B. P. Jhunjhunwala	92%

1	2	3	4
Standing Finance Committee— *contd.*	12-2-1949	1. Shri Surendra Mohan Ghose 2. Prof. N. G. Ranga 3. Pandit Thakur Das Bhargava 4. Begum Aizaz Rasul 5. Shri B. Shiva Rao 6. Shrimati Renuka Ray 7. Shri U. Srinivasa Mallaya 8. Shri Bikram Lal Sondhi 9. Prof. K. T. Shah 10. Shri T. T. Krishnamachari 11. Shri M. A. Ayyangar 12. Shri Biswanath Das 13. Shri B. P. Jhunjhunwala	100%
	12-3-1949	1. Shri Surendra Mohan Ghose 2. Pandit Thakur Das Bhargava 3. Shri B. Shiva Rao 4. Shrimati Renuka Ray 5. Shri U. Srinivasa Mallaya 6. Shri Bikram Lal Sondhi 7. Prof. K. T. Shah 8. Shri Biswanath Das 9. Shri B. P. Jhunjhunwala	54%
Ministry of Transport (Roads).	16-12-47	1. Dr. V. Subramaniam 2. Shri S. Nijalingappa 3. Shri Mohan Lal Saksena 4. Shri B. P. Jhunjhunwala 5. Prof. N. C Laskar 6. Shri C. M. Poonacha 7. Shri G. S. Guha 8. Shri B. N. Munavalli	67%
	25-2-1948	1. Dr. V. Subramaniam 2. Shri S. Nijalingappa 3. Srijut Robini Kumar Chaudhuri 4. Shri C. M. Poonacha 5. Shri B. N. Munavalli	42%
	6-12-1948	1. Dr. V. Subramaniam 2. Shri S. Nijalingappa 3. Shri Yudhisthir Misra 4. Srijut Robini Kumar Chaudhuri 5. Prof. Niharan Chandra Laskar 6. Shri C. M. Poonacha 7. Shri G. S. Guha 8. Shri B. N. Munavalli 9. Shri Ram Prasad Potai 10. Shri Moturi Satyanarayana	83%
Standing Finance Committee for Railways.	9-7-1948	1. Shri K. K. Desai 2. Shri L. S. Bhatkar 3. Shri Satyanarayan Sinha 4. Shri Jaspat Roy Kapoor 5. Sjt. R. K. Chaudhury 6. Mr. Frank R. Anthony 7. Pandit L. K. Maitra 8. Mr. Naziruddin Ahmad	80%
	10-7-1948	1. Shri K. K. Desai 2. Shri Satyanarayan Sinha 3. Shri Jaspat Roy Kapoor 4. Sjt. R. K. Chaudhuri 5. Mr. Frank R. Anthony 6. Pandit L. K. Maitra 7. Mr. Naziruddin Ahmad	70%

1	2	3	4
Standing Finance Committee for Railways—*contd.*	8-9-1948	1. Shri K. K. Desai 2. Shri L. S. Bhatkar 3. Shri Ramnath Goenka 4. Shri Balkrishna Sharma 5. Shri Jaspat Roy Kapoor 6. Mr. Frank R. Anthony 7. Pandit L. K. Maitra 8. Mr. Naziruddin Ahmad	80%
	14-11-1948	1. Shri K. K. Desai 2. Shri Jaspat Roy Kapoor 3. Shri Satyanarayan Sinha 4. Sjt. R. K. Chaudhuri 5. Mr. Frank R. Anthony 6. Pandit L. K. Maitra 7. Mr. Naziruddin Ahmad	70%
	22-1-1949	1. Shri K. K. Desai 2. Shri Ramnath Goenka 3. Shri Jaspat Roy Kapoor 4. Pandit L. K. Maitra 5. Mr. Naziruddin Ahmad	50%
	3-2-1949	1. Shri K. K. Desai 2. Shri Jaspat Roy Kapoor 3. Sjt. R. K. Chaudhuri 4. Mr. Naziruddin Ahmad	40%
	15-2-1949	1. Shri L. S. Bhatkar 2. Shri Jaspat Roy Kapoor 3. Sjt. R. K. Chaudhuri 4. Pandit L. K. Maitra	40%
	16-3-1949	1. Shri K. K. Desai 2. Shri L. S. Bhatkar 3. Shri Jaspat Roy Kapoor 4. Pandit L. K. Maitra	40%
Central Advisory Council for Railways.	10-4-1948	1. Shri R. K. Sidhva 2. Shri Deshbandhu Gupta 3. Shri R. R. Diwakar 4. Shri A. C. Guha 5. Shrimati Ammu Swaminathan 6. Shri B. N. Biyani 7. Shri G. B. Daulatram Bhati 8. Prof. Shibban Lal Saksena 9. Shri K. K. Desai 10. Shri Lakshman Shrawan Bhatkar 11. Shri Jaspat Roy Kapoor 12. Shri Satyanarayan Sinha 13. Sjt. Rohini Kumar Chaudhury 14. Mr. Frank Reginald Anthony 15. Shri Ramnath Goenka 16. Pandit Lakshmi Kanta Maitra 17. Shri Balkrishna Sharma 18. Shri K. Santhanam 19. Mr. Naziruddin Ahmad	100%

Rehabilitation of Refugees in Bharatpur State

*1669. **Shri Raj Bahadur:** Will the Honourable the Minister of Relief and Rehabilitation be pleased to state:

(a) the number of displaced persons allocated for rehabilitation in the territories comprising the former state of Bharatpur;

(b) the number of displaced persons who actually went there for rehabilitation and the number rehabilitated there (i) in villages and (ii) in town, separately;

(c) the number of displaced persons who went there for settling but returned together with the reasons why they so returned;

(d) the total amount of money so far spent there for the purpose of rehabilitation;

(e) the strength of the staff of the rehabilitation department for the said area together with the monthly cost of its maintenance; and

(f) the qualifications and experience of the official head of the said rehabilitation department there?

The Honourable Shri Mohan Lal Saksena: (a) to (f). The allocated quota of displaced persons for Matsya Union is 1,00,000. No separate allocation for the several units in the Union has been made. Information in respect of areas formerly comprising Bharatpur State is not available.

IRREGULARITIES IN HANDLING OF FINANCES ALLOTTED FOR RELIEF AND REHABILITATION IN BHARATPUR STATE

*1670. **Shri Raj Bahadur:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state whether there have been any complaints of irregularities of a serious nature in the handling of finances allotted by the Government of India for the work of relief and rehabilitation in the territory formerly comprising the state of Bharatpur?

(b) If so, have Government instituted any enquiry into this matter?

(c) What are the facts revealed by the enquiry so far?

The Honourable Shri Mohan Lal Saksena: (a) The Ministry of Relief and Rehabilitation have received no information so far.

(b) and (c). Do not arise.

RATE WAR AMONG SHIPPING LINES

*1671. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Commerce be pleased to state whether it is a fact that a "freight-war" between two shipping lines is going on for the last 10 days?

(b) If so, which companies are involved in it?

(c) Has any urgent message been sent by the Indian Shipping Company to the Honourable Minister in this respect?

(d) What are the reasons for this competition?

(e) What action do Government propose to take in the matter?

The Honourable Shri K. C. Neogy: (a) Yes: a rate war has been in progress in the India/U.K./Continent trades between two Dutch Lines which have left the Conference, on the one hand, and fifteen other Lines which are members of the Conference, on the other, from about the 10th March 1949.

(b) The Lines involved include two Indian companies, *viz.*, Scindia Steam Navigation Co. and India Steamship Co., and several British, American and Continental Lines.

(c) Yes: Certain communications have been received from the two Indian companies affected urging Government to consider what assistance could be given to them to meet their difficulties if the rate war is protected.

(d) So far as Government's information goes, the reasons for the Dutch Lines leaving the Conference and engaging in the rate war are, firstly, the admission into the Conference against the opposition of the Dutch Lines, of the Danish Line, the East Asiatic Co. (India) Ltd. and secondly, the refusal of the other Lines in the Conference to concede the Dutch Line's claim that they should have, if the Danish Line was admitted, an assured substantial share in certain sectors of the India/U.K./Continent trade.

(e) The entire question is at present under consideration in the light of the suggestions made by the companies, but no final decisions have yet been taken regarding the action to be taken by Government. I can assure the House, however, that Government will do everything appropriate and possible to ensure that the position of Indian shipping in this trade is not materially injured.

CENSORING OF FILMS CONTAINING INDIAN NATIONAL FLAG AND SLOGANS IN EASTERN PAKISTAN

*1672. **Shri H. V. Kamath:** Will the Honourable the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to a report appearing in the *Nation* of Calcutta, dated the 22nd March, 1949 (page 8, column 6) to the effect that "East Pakistan Censors have preferred Indian Films containing Indian Dominion Flag and National slogans not to be shown in Pakistan"?

(b) If so, whether it is correct; and

(c) what action Government have taken or propose to take in the matter?

The Honourable Shri Jawaharlal Nehru: (a) and (b). Yes, Sir. The Government of India have seen the press report and have also received a representation from the Bengal Motion Picture Association drawing attention to the refusal by the East Bengal Board of Film Censors (Pakistan) to certify Indian Films containing scenes and dialogues regarding the Indian National Flag or national slogans.

(c) The Deputy High Commissioner for India in Dacca is being asked to take up the matter with the East Bengal Government.

CONSTRUCTION OF COW SHEDS IN M.C.A. BUNGALOWS

*1673. **Ch. Ranbir Singh:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether Government are aware of the fact that the members of this House are not permitted to construct cow sheds in their bungalows even at their own cost by the Government;

(b) whether Government are aware of the fact that the by-laws of the Municipal Committee do not bar such construction;

(c) whether Government are aware of the fact that the conditions regarding drains sewer connection and the superficial floor area of 40 square feet (8 × 5) necessary for permission exist; and

(d) if so, whether Government propose to allow the construction of cow sheds in the bungalows wherever possible and if not, why not?

The Honourable Shri N. V. Gadgil: (a) There is no bar to the construction of cow sheds by the members of the Assembly in their bungalows at their own cost, provided the construction is done according to the current Municipal bye laws and there is sufficient suitable space in the compound of the bungalow for the construction of the cow shed.

(b) The bye-laws of New Delhi Municipal Committee do not bar the construction of cow sheds generally provided they are properly constructed with drainage arrangements and at a prescribed distance from the house.

(c) Conditions with regard to drains and sewer connection exist on Ferozshah Road, but suitable gross area of 72·2 sq. feet required for the construction of a cow shed, according to the New Delhi Municipal Committee's bye-laws, is not available in the compound of M.L.As. bungalows on Ferozshah Road.

(d) The question whether Government should continue to construct cow-sheds at their cost in Government bungalows in New Delhi is under examination in consultation with the Health Ministry. As already stated, however, there is no bar to tenants putting up cow-sheds, at their own cost in conformity with the Municipal bye-laws.

ABDUCTED NON-MUSLIM WOMEN TAKEN TO AFGHANISTAN

*1674. **Giani Gurmukh Singh Musafir:** (a) Will the Honourable the Prime Minister be pleased to state whether Government are aware that a number of abducted non-Muslim women have been taken across the western border of Pakistan to Afghanistan where they are now captives of landlords and Nawabs?

(b) If the answer to part (a) above be in the affirmative, have Government brought this matter to the notice of the Afghanistan Government and if so with what result?

(c) If the answer to part (a) above be in the negative do Government propose to enquire into the matter?

The Honourable Shri N. Gopalaswami Ayyangar: (a) Government have received reports that a number of abducted non-Muslim women have been taken over the Pakistan border into Afghanistan.

(b) and (c). The matter was taken up with the Afghan Government during June 1948 and they have repeatedly given their assurance to help India as far as possible in the recovery of abducted women from areas under their control. As the task of locating the abducted women is fraught with many practical difficulties, it will take some time before any tangible results are achieved.

RECOMMENDATIONS OF ECONOMIC PROGRAMME COMMITTEE

*1674-A. **Shri S. Nagappa:** (a) Will the Honourable the Prime Minister be pleased to state what are the recommendations of the Economic Programme Committee of which the Prime Minister of India is the Chairman?

(b) How far have Government implemented these recommendations?

The Honourable Shri Jawaharlal Nehru: (a) There is no Economic Programme Committee of which the Prime Minister is Chairman. Presumably the honourable member is referring to the National Planning Committee which was set up some ten years ago by the President of the National Congress and of which the Prime Minister was Chairman. This Committee has made various recommendations from time to time during these years. I could not finalise its work. It has however recently published a large number of volumes containing the reports of its Sub-Committees.

(b) Government have noted the suggestions made from time to time and will take into consideration the recommendations whenever the question of overall planning is considered.

POSTPONED STARRED QUESTION AND ANSWER

(Postponed from 28th March, 1949)

Establishment of National Housing Corporation

*1422. **Shri H. V. Kamath:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) whether it is a fact that Government propose to establish a National Housing Corporation; if so, when;

(b) how the necessary finances for the same are going to be raised; and

(c) the purpose and functions of the proposed corporation?

The Honourable Shri Mohan Lal Saksena: (a) to (c). The general proposal is under consideration.

UNSTARRED QUESTIONS AND ANSWERS

Industrial Workers and Unions

183. **Dr. P. S. Deshmukh:** Will the Honourable Minister of Labour be pleased to state:

(a) the total number of industrial workers in India in 1945-46, 1946-47, 1947-48 and 1948-49;

(b) the names of Unions with their membership; and

(c) which of these Unions have been recognised by Government?

The Honourable Shri Jagjivan Ram: (a) A statement showing the average daily number of workers employed in factories, mines, railways and plantations in the years 1945, 1946 and 1947 is attached. Later figures are not available.

(b) Information is available only in respect of registered trade unions having a membership of 1,000 or more. This is furnished in the Labour Year Book for 1946, a copy of which is available in the Library of the Legislature.

(c) As regards the unions recognised by the Government of India as employer, attention is invited to the statement laid on the table of the House on the 16th March 1949 in furtherance of my reply to Shri V. C. Kesava Rao's question No. 278 on the 14th February 1948.

STATEMENT

Industrial Employment in India

	1945	1946	1947
Factories	26,42,977	24,74,873†	22,79,807§
Mines	3,86,290	4,12,719	4,07,263
Railways*	9,90,874	10,46,855	8,28,948
Plantations‡	10,93,554	12,84,048	11,72,828

N. B.—The figures for 1945 and 1946 relate to British India, while those for 1947 relate to the Indian Dominion. While the figures for factories and mines cover the provinces and centrally administered areas only, the figures for Railways and Plantations cover Indian States also.

* The figures relate to the Financial Years 1945-46, 1946-47 and 1947-48.

† For the Punjab and the N. W. F. P. the figures relating to 1945 have been taken since later figures are not available.

‡ In the cases of certain districts like Darjeeling the figures for the previous year have been taken as later information is not available.

§ For East Punjab an estimate based on the statistics relating to 1945 has been taken.

REFUGEES IN CAMPS IN DELHI AND AJMER-MERWARA

133. Shri A. V. Thakkar: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the total number of residents of each of the camps for displaced persons in the Provinces of Delhi and Ajmer-Merwara as on some particular date in March or April, 1949;

(b) the total number of persons in each camp in receipt of free rations and the approximate daily expenditure incurred thereon;

(c) the total number of persons purchasing their own rations; and

(d) the date or dates by which people of each camp will be fully self-supporting in the matter of rations?

The Honourable Shri Mohan Lal Saksena: (a) to (c). A statement giving the information in respect of Delhi Province is laid on the table of the House. As regards Ajmer-Merwara the information is being collected.

(d) Distribution of free rations to able bodied persons and their dependents will be discontinued on the 8th April, 1949. It is hoped that in Ajmer-Merwara such discontinuance will be possible by the 31st October, 1949.

STATEMENT

Name of the camp in Delhi	Population as it stood on 19.3.49	Number in receipt of free rations	Daily expenditure.	Number purchasing their own rations
			Rs.	
Kingsway	21,458	16,930	12,698	4,528
Humayun's Tomb	3,027	2,670	2,006	357
Kalkaji	1,409	1,156	867	253
Safdar Jang	1,319	1,247	936	72
Wavell Canteen	225	174	131	51
Purana Qilla	4,404	..	..	4,404
Anand Parbat	3,926	..	..	3,926
Bela Road	2,234	..	..	2,234
Tis Hazari	2,064	..	..	2,064
Kotla Ferozshah	1,477	..	..	1,477
Schools	815	..	..	815

REFUGEES IN CAMPS IN C.P. AND BERAR

134. Shri A. V. Thakkar: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the total number of residents of each of the camps for displaced persons located in the Central Provinces and Berar as on some particular date in March or April, 1949;

(b) the total number of persons in each camp in receipt of free rations and the approximate daily expenditure incurred thereon;

(c) the total number of persons purchasing their own rations; and

(d) the date or dates by which people of each camp will be fully self-supporting in the matter of rations?

The Honourable Shri Mohan Lal Saksena: (a) to (c). The information has been called for.

(d) It is hoped that this will be possible by the end of October, 1949.

REFUGEES IN CAMPS IN MADHYA BHARAT AND MATSYA UNIONS

135. Shri A. V. Thakkar: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the total number of residents of each of the camps for displaced persons situated in Madhyabharat and Matsya Unions as on some particular date in March or April, 1949;

(b) the total number of persons in each camp in receipt of free rations and the approximate daily expenditure incurred thereon;

(c) the total number of persons purchasing their own rations; and

(d) the date or dates by which people of each camp will be fully self-supporting in the matter of rations?

The Honourable Shri Mohan Lal Saksena: (a) to (c). The information has been called for.

(d) It is hoped that this will be possible by the end of October, 1949.

REFUGEES IN CAMPS IN U.P.

136. Shri A. V. Thakkar: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the total number of residents of each of the camps for displaced persons located in the United Provinces as on some particular date in March or April, 1949;

(b) the total number of persons in each camp in receipt of free rations and the approximate daily expenditure incurred thereon;

(c) the total number of persons purchasing their own rations; and

(d) the date or dates by which people of each camp will be fully self-supporting in the matter of rations?

The Honourable Shri Mohan Lal Saksena: (a) to (c). The information has been called for.

(d) It is hoped that this will be possible by the end of October, 1949.

COMMODITIES IMPORTED FROM AND EXPORTED TO PAKISTAN

137. Pandit Mukut Bihari Lal Bhargava: Will the Honourable Minister of Commerce be pleased to state the quantities and value of each commodity imported from and exported to Eastern and Western Pakistan by the Indian Union during the year ended December 1948?

The Honourable Shri K. C. Neogy: A statement giving the requisite information as far as available from the foreign sea-borne trade returns for the nine months ending December, 1948, is laid on the table of the House. Similar statistics for the calender year ending December, 1948, are not available as Pakistan was declared as a 'foreign territory' only with effect from the 1st March, 1948.

Figures relating to Indo-Pakistan trade by land are not available at present. Arrangements for the systematic collection of such statistics are however being made.

STATEMENT

Quantity and value of the Principal Articles imported into India by sea from Pakistan Western and Eastern, during the nine months April to December, 1948

Articles	Unit	Pakistan Western		Pakistan Eastern	
		Quantity	Value	Quantity	Value
(1)	(2)	(3)	(4)	(5)	(6)
			Rs.		Rs.
1. Animals, living	No.	15	7,950		..
2. Apparel (excluding hosiery, etc.)—					
(a) Apparel (including drapery, etc.)	Value		14,715		66
(b) Other sorts of apparel	,,		10,742		752
3. Books, printed and printed matter	Cwt.	31,063	3,03,740	7	9,279
4. Boots and shoes	Pair	3,094	6,108		..
5. Brushes and Brooms	Dozen	521	12,134		..
6. Building and engineering materials, other than of iron, steel or wood—					
(i) Cement—					
(a) Portland	Ton	89,842	44,80,374		
(b) Other kinds	,,	6,884	7,17,141		
(ii) Other kinds of Building, etc.	Cwt.	1,451	3,640		..
7. Buttons of all sorts	Value	..	48,085		651
8. Chemicals and Chemical preparation—					
(a) Potassium Compounds	Cwt.	14,757	7,00,645		..
(b) Sodium compounds	..	..	..		..
(c) Sodium Carbonate	Cwt.	1,417	22,073		..
(d) Other sorts of chemicals	Value	..	1,84,022		..
9. Clocks and watches and parts thereof	,,	..	12,712		2,375
10. Cork manufactures	Cwt.	163	22,143		..
11. Cutlery	Value	..	13,670		..
12. Drugs—					
(a) Asafoetida	Cwt.	7,190	6,83,671		..
(b) Saccharin	Lbs.	2,586	43,570		..
(c) Other sorts	Value	..	8,40,576		1,115
13. Dyeing and Tanning substances	Value	..	73,116		..
14. Earthenware and Porcelain	,,	..	43,038		..
15. Fish, excluding canned fish—					
(a) Fish, dry—					
(i) unsalted	Cwt.	1,857	35,946	61	1,202
(ii) salted	,,	2,329	42,974		..
(b) Fish, wet—					
(i) Salted	,,	5,401	1,08,269		
16. Fodder, Bran and Pollards	Cwt.	52,763	9,39,797		
17. Fruits and Vegetables—					
(i) Fruits and vegetable dried, salted, etc.—					
(a) Almond	Ton	667	12,77,768	..	
(b) Currant and raisins	,,	1,437	15,46,314	..	
(c) Others	,,	899	14,64,414	..	
(ii) Other sorts of fruits and vegetables	Value		4,998		

(1)	(2)	(3)	(4)	(5)	(6)
			Rs.		Rs.
18. Furniture and Cabinet ware	Value		36,403		764
19. Glass and Glassware—					
(a) Beads and false Pearls	Cwt.	37	35,591		
(b) Bottles and Phials	Gross	3,494	43,686		
(c) Other sorts	Value	..	84,639		
20. Grain Pulse, etc.—					
(a) Pulse	Ton	4,920	15,92,578		..
(b) Rice not in the husk	,,	45,845	144,34,172		..
(c) Wheat flour	,,	130	42,781		..
(d) Others	,,	26	11,976		..
21. Gums and Resins	Cwt.	37,894	3,01,510		..
22. Hardware, excluding cutlery, etc.—					
(a) Implements and tools	Value	..	79,552		..
(b) Hand Pumps	No.	24,475	2,40,112		..
(c) Other sorts	Value	..	2,22,468		3,652
23. Hides and Skins, raw—					
(a) Hides, raw	Ton	737		474	
	No.	77,682	10,24,918	1,13,830	865,057
(b) Skins, raw	Ton	97		44	
	No.	116,794	2,11,090	45,213	120,414
24. Instruments, Apparatus, etc.—					
(i) Electrical including tele. graph etc.—					
(a) Telegraph and Telephone inst.	Value		1,02,020	..	..
(b) Electric lamps and parts thereof	,,	..	1,21,863	..	
(ii) Optical	,,	..	43,899	..	..
(iii) Photographic	,,	..	42,536	..	191
(iv) Wireless apparatus—					
(a) Complete receivers	No.	1,293	2,97,076	..	
(b) Other wireless apparatus	Value	..	92,784	..	
(c) Other kinds of instrument	,,	..	1,45,396	..	
25. Jewellery (excluding imitation jewellery, etc.)	,,		86,418		8,870
26. Liquors, including denatured, etc. —					
(a) Ale, beer and Porter	L. G.	15,491	1,81,077		
(b) Spirit	,,	7,577	2,74,974		
(c) Wines	,,	1,729	74,051		
27. Machinery and Millwork—					
(i) Prime-movers (other than elec.)—					
(a) Oil engines (other than locomotives)	No.	4	1,74,476	..	..
(ii) Electrical machinery	Value		51,408	..	..
(iii) Machinery, not being prime movers or electrical—					
(a) metal working machinery	,,		59,360	..	..
(b) Refrigerating machinery	,,		94,589	..	..
(iv) Other sorts of machinery	,,		7,81,758	..	9,605

(1)	(2)	(3)	(4)	(5)	(6)
			Rs.		Rs.
28. Metals and ores—					
(a) Iron or steel	Ton	143	1,30,473		
(b) Metals unenumerated	,,	4	14,861		
(c) Ores, unenumerated	,,	255	25,549		
29. Oils—					
(a) Animals	Value	..	8,997		
(b) Essential	Gal.	104	16,123		
(c) Mineral	,,	218	1,158		
30. Paints and colours	Cwt.	696	81,683		
31. Painters' materials	Value	..	16,050		
32. Paper	Cwt.	366	25,968		
33. Perfumes not being perfumed	Value	..	47,275		
34. Polishes	,,	..	63,822		
35. Provisions and Oilman's stores—					
(a) Biscuits and cakes	Cwt.	1,572	2,17,510		
(b) Other sorts of provisions	Value	..	35,734		
36. Rubber	,,	..	15,973		
37. Salt	Ton	39,992	27,93,634		
38. Seeds—					
(a) Essential oil seeds	,,	1,190	8,55,388	38	52,642
(b) Non-essential oil seed	,,	5,100	17,83,522	689	1,39,676
(c) Other than oil seeds.	,,	476	2,15,007	13	8,795
39. Soap	Cwt.	403	25,545		
40. Spices —					
(a) Chillies	,,			3,621	1,38,158
41. Stationery (excluding paper)	Value		2,36,888		70
42. Textiles—					
(a) Cotton, raw	Ton	26,225	6,35,15,788	..	..
(b) Jute, raw	,,	..	..	530	4,62,696
(c) Silk, piecegoods	Yds.	7,753	49,834	..	..
(d) Wool, raw	Lbs.	4,04,308	44,7,490	..	..
(e) Yarn and knitting wool	,,	39,068	3,95,906	..	..
(f) Woollen Manufactures—					
(i) Carpet and floor rugs	,,	51,449	2,75,065		
(ii) Woollen and worsted piecegoods	Yds.	15,328	1,43,491		
(g) Artificial Silk—					
(i) Art silk yarn	Lbs.	17,705	1,23,651		
(ii) Piecegoods made entire of art silk	Yds.	26,821	1,06,538		..
43. Tobacco—manufactured—					
(i) Cigarettes	Lbs.	1,00,024	6,31,237	1	19
(ii) Other sorts	,,	11,256	41,499		..
44. Toilet requisites	Value		1,17,390		
45. Toys and requisites for games and sports	,,		1,47,526		
46. Vehicles, excluding Locomotives, etc....					
(a) Cycles (other than motor cycle) and parts thereof and accessories	,,		1,25,390		

(1)	(2)	(3)	(4)	(5)	(6)
46. Vehicles, excluding Locomotives, etc.—contd.					
(b) Mechanically propelled vehicles—			Rs.		Rs.
(i) Parts of aircrafts	Value	..	2,52,431		3,230
(ii) Motor cars	No.	7	17,284		..
(iii) Parts of mechanically propelled, Vehicles.	Value		32,898		
47. Wood and Timber	,,	..	29,924	..	..
48. Postal Articles	,,	..	27,88,248	..	2,81,710
49. All other articles	,,	..	3,66,027	..	38,849
Grand Total	,,	..	11,08,06,049	..	21,40,014

NOTE.—The figures are inclusive of Government Stores and the sea-borne trade of Kutch with effect from the 1st April and 1st June, 1948 respectively.

Quantity and value of the principal articles exported by sea from India to Pakistan Western and Eastern during the nine months April to December, 1948.

Commodities	Unit.	Pakistan Western		Pakistan Eastern.	
		Quantity	Value	Quantity	Value
(1)	(2)	(3)	(4)	(5)	(6)
Animal Living—			Rs.		Rs.
Horses	No.	13	39,000		..
Apparel			36,35,852		14,023
Books Printed and Printed matter	Cwt.	1,945	4,62,676	3,234	3,69,872
Boots and Shoes—					
1. Rubber Soled with canvas uppers	Pair.	60,489	1,56,349	140	656
2. Others	,,	237,150	8,42,481	82	620
Building and Engineering materials, other than of Iron, steel or wood—					
1. Bricks	No.	15,000	6,500	..	..
2. Chalk and lime	Cwt.	2,727	29,710	..	..
3. Tiles	No.	233,850	34,415	8	112
4. Others	Cwt.	3,797	41,619	11,609	1,32,178
Canes and Rattans	,,	452	26,296	..	..
Chemicals and chemical preperations —					
(excluding Chemical Manures and medicines)					
1. Magnesium Compounds —					
(a) Magnesium chloride	,,	15	225	..	..
(b) Others	,,	112	3,269	..	..
2. Potassium Compounds—					
(a) Others sorts	,,	1	350	146	3,750
3. Soda Compounds—					
(a) Other sorts	,,	12,905	3,57,422	2,043	55,770
4. Other sorts of chemicals		..	7,38,481	..	36,475
Coal and Coke					
1. Coal	Ton.	367,292	76,21,392		
2. Coke	,,	717	22,466		
Coffee	Cwt.	558	26,292		
Coir—					
1. Unmanufactured	Tons	43	22,728	..	..
2. Manufactured—					
(a) Coir Yarn	Cwt.	15,178	565,242	1,557	63,272
(b) Coirmats & Mattings	,,	2,418	143,534	24	1,410
(c) Coir other sorts	,,	227	12,860	98	5,040

(1)	(2)	(3)	(4)	(5)	(6)
			Rs.		Rs.
Cordage and Rope of vegetable fibre (excluding jute and cotton)	Cwt.	27,380	10,75,526	130	3,290
Drugs and Medicines —					
1. Camphor	Lbs.	1	712	..	..
2. Nuxvomica	Cwt.	21	254	..	..
3. Senna	,,	251	5,900	..	..
4. Other sorts of Drugs and Medicines	..	..	22,26,225	..	1,11,620
Dyeing and Tanning Substances —					
1. Cutch and Gambier	Cwt.	2,709	4,07,294	434	41,725
2. Indigo	,,	..	..	1	100
3. Myrobalans	,,	12,221	93,758	..	..
4. Myrobalans Extracts	,,	294	18,865	..	..
5. Other sorts	,,	1,169	42,732	16	30,000
Earthern ware and Porcelain	..	..	574,331	..	14,182
Fibre for brushes and Brooms	Tons	5	5,572	..	..
Fish (exluding canned fish)—					
1. Fish, dry, unsalted	,,	17	1,400		..
Fruits and Vegetables—					
1. Fresh fruits and vegetables—					
(a) Fresh fruits—					
(i) Cocoanuts	No.	20,000	2,400		
(ii) Others	..		227,383		
(b) Fresh vegetables of all kinds			..		
(i) Others			406,874		
Fruits and vegetables, dried salted or preserved all sorts :—					
(i) Cashew Kernels	Tons	88	2,60,237	8	1,101
(ii) Others	,,	1,524	5,60,601	112	67,518
Furniture and Cabinetware	..	..	35,098	..	6,911
Glass and Glassware	..	..	757,144	..	26,822
Grain Pulse and Flour —					
1. Barley	,,	1,500	150,000		..
2. Maize	,,	500	100,000		..
3. Dals	,,	450	51,480		..
4. Lentils	,,	10	3,600		..
5. Other sorts	,,	29	11,700		..
Gums and Resins—					
1. Arabic	Cwt.	149	12,210	29	2,355
2. Benjamin	,,	4	810	..	..
3. Olibanum	,,	2	175	..	..
4. Rosin	,,	..	11,381	..	..
5. Other sorts	,,	..	1,64,824	35	2,912
Hardware and Cutlery	Value	..	6,03,452	..	1,71,170
Skins raw—					
(a) Goat skins	Tons	39	60,543		..
(b) Sheep skins	,,	11	78,000		..
(c) Other skins	,,	..	32,303		..
Cutting of hides etc.	,,	..	1,250		..
Instruments, etc.—					
1. Musical	Value	..	7,94,653	..	68,326
2. Other kinds	,,	..	12,51,012	..	78,284
Ivory—Unmanufactured	Lbs.	749	9,800	..	..
Jewellery	Value	..	8,100	..	..
Lac—Seed	Cwt.	45	9,086	..	..
Lac—Shell	,,	31	6,176	2	480
Lac—Other kinds	,,	56	8,545	..	..
Leather—					
1. Hides tanned or dressed—					
(a) Buffalo hides	Tons.	486	14,48,404	..	876
(b) Cow hides	,,	627	54,20,429	..	1,225
(c) Calf skins—					
Buffalo calf skins.	,,	7	28,401	..	..
Cow calf skins	,,	8	63,305	..	..
(d) Other hides	,,	4	45,850	..	..

(1)	(2)	(3)	(4)	(5)	(6)
Leather — *contd.*					
2. Skins tanned or dressed					
(a) Goat skins	Tons.	81	6,88,694		238
(b) Sheep skins	,,	97	10,97,315		5,994
(c) Other skins	,,	2	1,24,445		952
3. Unwrought	Cwt.	806	4,00,995		..
4. Manufactures—					
(a) Leather belting	,,	15	21,500	..	..
(b) Bags, trunks, etc.	Value.	..	1,17,571	..	..
(c) Other sorts	,,	..	1,73,675	..	4,068
Liquors—other sorts	Gallons	474	9520	59	1,162
Machinery and Millwork etc.	Value	..	4,55,440	..	56,072
Mats and Mattings	Sq. yds.	16,791	51,990	..	..
1. Brass, Bronze and similar alloys etc. Wrought	Cwt.	5	915	..	..
2. Copper—Wrought	,,	150	39,180	..	..
3. Copper—Others	,,	8	650	..	..
4. Copper	Tons.	3,114	3,31,930	..	..
5. Iron—Manufactures angle, bolt etc.	,,	341	1,07,390	..	..
6. Bars and channels	,,	18	6,232	..	..
7. Steel—Bars	,,	201	71,126	..	..
8. Hoops and Strips	,,	..	560	2	1,968
9. Nails, Screws etc.	,,	2	3,403	14	8,991
10. Old for Remanufactures	,,	50	8,500	..	..
11. Pipes and fittings—Cast	,,	584	1,74,345	..	..
12. Sheets and Plates	,,	993	5,08,045	940	4,79,965
13. Tubes pipes and fittings wrought	,,	6	9,000	..	..
14. Other manufactures of Iron or Steel	,,	2,726	8,41,927	..	..
15. Tin—Wrought	Cwt.	4,800	1,80,500	..	..
16. Metals, Unenumerated	,,	6,403	23,54,759	1,052	3,27,108
17. Ores, Unenumerated	Tons.	1,388	3,69,226	1	245
18. Mica—Splittings	Cwt.	..	..	..	120
19. Oils—Animal	Gallons	555	6,180	..	..
20. Oils—Sandal wood	,,	20	4,944	..	..
21. Oils—Mineral—Other kinds	,,	4,475	51,778	303	2,805
22. Oils—Castor	,,	84,848	5,52,875	4,890	33,260
23. Oils—Cocoanut	,,	6,900	34,700	97,218	6,70,362
24. Oils—Groundnut	,,	46,707	3,16,262	320,237	23,21,035
25. Oils—Linseed	,,	764	6,429	24,183	1,43,071
26. Oils—Mustard	,,	..	..	201,955	16,64,673
27. Other sorts	,,	1,45,503	9,31,790	12,099	84,152
28. Opium	Cwt.	234	7,82,400	..	..
29. Graphite	,,	20	1,902	..	..
30. Graphite—Other sorts	,,	15,762	12,50,832	9,331	1,26,605
31. Turpentine—Other sorts	Value	..	84,013	..	..
32. Paper—Printing paper	Cwt.	41	2,600	160	7,500
33. Other kinds of paper	,,	8,196	6,42,377	168	14,265
34. Paste Board etc.	,,	892	31,906	..	..
35. Perfumery	Value	..	72,888	..	590
36. Precious Stones	,,	..	3,000	..	..
37. Printing and Lithographing	,,	..	13,692	..	..
38. Confectionery	Cwt.	10,213	10,30,252	11	776
39. Pickles, Chutnies, etc.	,,	437	20,931	141	9,68
40. Other sorts	,,	29,147	24,34,017	207	27,588
Rubber manufacture	Value	..	44,67,409	..	1,12,975
Salt	Tons.	20	17,161	8,011	2,20,000
Oilseeds—					
Essential—					
,, Ajowa	,,	76	42,077		..
,, Ajwan	,,	12	5,056	2	904
,, Aniseed	,,	..	90	22	15,034
,, Coriander	,,	..	348	..	..
,, Cumin (other than black)	,,	16	25,119	14	25,745
,, Cumin (black)	,,	7	552	..	..
,, Fennel	,,	114	63,826	47	24,770
,, Fenngreek	,,	2	910	6	3,240
,, Swa or Dil	,,	1	6,935	..	..
,, Other sorts	,,	10	11,005	..	52

(1)	(2)	(3)	(4)	(5)	(6)
Oilseeds—contd.					
Non-essential—					
„ Copra or Coconut kernel	Tons.	96	93,900	..	..
„ Groundnuts	„	184	1,58,700	18	11,700
„ Mustard	„	..	..	27	12,360
„ Poppy	„	9	8,975	1	1,852
„ Other sorts	„	360	1,47,189	2	3,551
Other than oil seeds	„	128	95,575	..	..
Shells and cowries—					
Cowries	Cwt.	29	1,230	..	..
Shells	„	14	1,200	..	..
Soap	„	22,668	21,84,327	3,911	3,32,786
Spices—					
Betelnuts	„	883	72,770	2	150
Cardamoms	„	3,489	9,26,472	75	20,586
Chillies	„	123	6,860	..	..
Cinnamon	„	73	5,199	34	1,404
Cloves	„	..	..	35	3,620
Ginger	„	759	42,009	..	..
Pepper	„	20	3,013	342	65,595
Turmeric	„	29,523	14,33,768	7,444	4,01,117
Other sorts	„	195	12,469	221	17,330
Stationery (excluding Paper)	Value	..	6,76,373	..	99,821
Stone and marble—					
Other sorts	Tons	21	7,332	3	2,080
Sugar—					
23 Dutch Standard and above	„	3,377	34,06,633		..
" below 23 D. S. standard but not below 16 D. S.	„	275	3,65,520	38	54,619
" 16 D. S. and below	„	11	660	..	..
Molasses (including palmyra and cane jaggery)	„	1,928	9,29,321	4,039	14,75,924
Tallow and stearine (including grease and animal fat)	Cwt.	..	..	88	8,817
Tea—					
Black	Lbs.	9,702,564	2,01,74,683	8,106	20,730
Green	„	113,179	2,48,433	..	..
Textiles—					
Cotton—					
(a) Raw	Tons and Bales.				1,940
(b) Waste	Cwt.	4,733	327,058	34	32,06,470
Total Twist and Yarn	Lbs.	4,510,933	75,59,654	1,742,137	..
(c) Canvas	Yards	75,311	109,084	40	82
(ii) Handkerchiefs and shawls in the piece	No.	89,646	45,356	..	..
(iii) Hosiery			33,83,762	..	1,81,383
Piecegoods—					
(i) Total Grey (unbleached)	Yds.	26,872,096	205,90,394	2,653,725	20,86,118
(ii) Total white (bleached)	„	37,213,160	336,23,576	823,710	8,15,865
(iii) Total Coloured printed or dyed	„	54,200,694	6,45,47,294	16,332,117	2,34,95,704
(iv) Thread Sewing	Lbs.	246,069	11,12,637	..	..
(v) Other sorts of manufactures	„	205,182	4,71,965	7,367	16,497
TOTAL—					
Haberdashery	Value	..	1,72,124	..	..
Other sorts	„	..	7,68,255	..	26,082
Hemp manufactures	„	..	2,100	..	..
Twist and yarn	Lbs.	..	..	6,720	5,073
Manufactures,—					
Canvas	Yds.	75,650	1,92,001	16,692	23,773
Total gunny bags	No.	16,677,420	2,01,10,850	984,500	9,34,272
Total gunny cloth		8,659,700	41,17,642	120,000	66,312
Rope and Twine	Cwt.	25,288	15,23,423	447	27,520
Other kind	„	545	72,812	156	15,065

(1)	(2)	(3)	(4)	(5)	(6)
Silk—					
Manufactures—					
(*i*) Goods of silk, etc.	Yds.	29,714	1,17,000	..	..
(*ii*) Silk piecegoods	,,	1,708,584	64,12,698	244,705	8,62,102
(*iii*) Other sorts	Lbs.	5,362	1,21,103	400	3,202
Wool—					
Raw	,,	72,385	81,786	..	..
Manufactures—					
(*i*) Carpets and rugs	,,	133,053	3,83,230	3,546	13,222
(*ii*) Piecegoods	Yds.	18,839	2,49,447	..	..
(*iii*) Shawls	No.	..	..	4,191	72,038
(*iv*) Other sorts	Lbs.	163,054	11,32,336	105,922	10,40,013
Other textiles—					
Manufactured—					
(*i*) Art silk piecegoods	Yds.	21,965,286	4,73,46,099	1,280	2,900
(*ii*) Other sorts	Value	..	2,71,294	..	..
Tobacco—					
Unmanufactured	Lbs.	1,883,804	16,15,080	9,662	9,387
Manufactured—					
(*i*) Cigars	,,	15,773	43,301	374	915
(*ii*) Cigarettes	,,	1,061,358	83,58,682	140,194	1,156,777
(*iii*) Other sorts	,,	763,748	22,71,005	25,843	67,253
Toys, etc.	Value	..	4,41,005	..	54
Umbrellas, etc.	Nos.	600	3,600	1,800	18,000
Vehicles—					
(*i*) Parts of carriages etc.	Value	..	600	..	
(*ii*) Ships, parts of etc.		..	9,000	..	
(*iii*) Other Kinds		..	40,972	..	
Wax of all kinds	Cwt.	189	13,600	..	
Wood and Timber—					
(*i*) Hardwood	Cubic Tons	218	45,043	..	
(*ii*) Sandal wood	,,	9	26,792	..	..
(*iii*) Other Kinds	Value	..	54,836	..	..
(*iv*) Manufactures etc.	,,	..	15,707	..	..
All other articles etc.	,,	..	69,99,897	..	3,42,676
GRAND TOTAL OF EXPORTS	,,	..	31,86,82,712	..	4,48,04,902

NOTE.— The figures include the Government stores and the Sea borne trade of Kutch with effect from the 1st April 1948 and 1st June 1948 respectively.

Tuesday
5th April, 1949

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—QUESTIONS AND ANSWERS)]

Official Report

Volume III, 1949

(19th March, 1949 to 5th April, 1949)

Fourth Session

OF THE

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

1949

Chamber Fumigated 18.10.73

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS),

Tuesday, 5th April, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS.

(See Part I).

11-45 A.M.

CLOSING DATE OF THE ASSEMBLY SESSION

Shri H. V. Kamath (C.P. and Berar: General): Before we proceed to the next item on the agenda, may I venture to remind you, Sir, that we are still completely in the dark about the closing date of this Session?

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): There are three days left according to the schedule. The Government do not propose to ask for any more days for the Hindu Code. It is unnecessary waste of time and therefore we do not intend to make any further effort for its consideration this session. But the remaining items of business consist of 24 Bills which, though small, are of a very urgent character. If the House co-operates I am sure we can finish them all in scheduled time. Therefore I will appeal to the House to accord full co-operation. Let us finish this session in scheduled time.

Shri H. V. Kamath: Has the House failed to give true co-operation so far?

Mr. Speaker: Let us not use the time in discussing that question.

Shri R. K. Sidhva (C.P. and Berar: General): The Honourable the Leader of the House raised an important matter about the Questions and you told Mr. Das to see you in your chamber. My submission is that, as the question has been raised on the floor of the House, it may be discussed in the House and the Members' difficulties taken note of by the Leader of the House.

Mr. Speaker: That can be done in the Chamber. Such of the Members as want to make any suggestion are welcome to discuss the matter with me. Let us take this step as the first step in co-operation.

PAPERS LAID ON THE TABLE

(1) REPORT OF ACTIVITIES OF DEPARTMENT OF EXPLOSIVES

(2) REPORT OF COAL MINES STOWING BOARD.

(3) REPORT ON THE ESTATE OFFICE.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): I beg to lay on the table a copy of each of the following *Reports, namely:

(1) A short Report on the activities of the Department of Explosives during the six years ending 31st March, 1947.

(2) Annual Report of the Coal Mines Stowing Board for 1947-48, and

(3) Report on the Estate Office, 1948.

*Not printed in the day's debates. Copies placed in the Library of the House.—*Ed. of D.*

ELECTION TO CENTRAL TEA BOARD

The Honourable Shri K. C. Neogy (Minister of Commerce): I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members from among themselves to be members of the Central Tea Board in terms of sub-sections (3) (iii) and (4) of Section 4 of the Central Tea Board Act, 1949."

This Act was passed by this House only a few days back and it has since received the assent of His Excellency the Governor-General. I do not think I need say anything more.

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members from among themselves to be members of the Central Tea Board in terms of sub-section (3) (iii) and (4) of Section 4 of the Central Tea Board Act, 1949."

The motion was adopted.

ELECTION TO CENTRAL ADVISORY BOARD OF ARCHAEOLOGY

آنریبل مولانا ابوالکلام آزاد : جناب ! میں تجویز کرتا ہوں کہ اس اسمبلی کو چاہیئے کہ ایسے طریقہ سے جو آنریبل اسپیکر تجویز کریں دو ممبروں کو چننے کی کارروائی انجام دے - یہ چناؤ سنٹرل ایڈوائزری بورڈ آف آرکیالوجی کی لن دو جگہوں کے لئے کیا جائیگا جو شری رنگناتھہ رام چندر دواکر اور شری ٹی- اے- آر- چیٹیار کے رزائن کرنے کی وجہ سے خالی ہوگئیں -

The Honourable Maulana Abul Kalam Azad (Minister of Education): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members to serve on the Central Advisory Board of Archaeology in India constituted by the Government of India *vice* Shri R. R. Diwekar and Shri T. A. Ramalingam Chettiar resigned from the Board."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members to serve on the Central Advisory Board of Archaeology in India constituted by the Government of India *vice* Shri R. R. Diwakar and Shri T. A. Ramalingam Chettiar resigned from the Board."

The motion was adopted.

Mr. Speaker: I have to inform Honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committee, namely:

	Date for Nomination	Date for election
1. Central Tea Board 2. Central Advisory Board of Archaeology.	6-4-1949	7-4-1949.

The nominations for these Committees will be received in the Notice Office upto 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

WEST GODAVARI DISTRICT (ASSIMILATION OF LAWS ON FEDERAL SUBJECTS) BILL

The Honourable Shri Satyanarayan Sinha (Minister of State): I beg to move for leave to introduce a Bill to assimilate certain laws in force in different parts of the West Godavari District of the province of Madras.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to assimilate certain laws in force in different parts of the West Godavari District of the province of Madras."

The motion was adopted.

The Honourable Shri Satyanarayan Sinha: I introduce the Bill.

INDIAN SUCCESSION (AMENDMENT) BILL

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): I beg to move for leave to introduce a Bill further to amend the Indian Succession Act, 1925.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Succession Act, 1925."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: I introduce the Bill.

ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT BILL—*concld.*

Mr. Speaker: The House will now proceed with the further consideration of the following motion:

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration".

Shri Prabhu Dayal Himatsingka (West Bengal: General): On the last occasion when this Bill was being discussed I stated that in view of the existing provisions in the Essential Supplies Act it is not necessary that the Bill that has been introduced should be proceeded with or passed. As you know, the present Section 7, which is sought to be amended, provides that if there is any contravention of any order either on food stuffs or textiles, the accused shall be punishable with imprisonment which may extend to three years or with fine or with both and if the order so provides the article concerned shall be forfeited to His Majesty. What the honourable Minister seeks here is to change the word 'may' into 'shall'. He wants that wherever there is a contravention of the order, the court shall sentence the accused to imprisonment which may extend to three years and may also impose a fine. Therefore the intention is to take away the discretion that is left to the court. Here the amendment does not make any distinction or differentiation in the gravity of the offences. A violation of the control order as regards food supplies may be a minor offence in the nature of failure to file a return prescribed in time. Even in regard to this it is proposed that the court shall be bound to inflict imprisonment as a punishment irrespective of the nature of the offence. That is what I object to. If the honourable Minister thinks that the courts are not administering the present law as they should, that merely shows that public opinion is not strong enough to compel the court or induce the court to inflict the punishment of imprisonment. If the law be made so stringent that the court is left with no option, the tendency of the court would be to acquit the accused, unless the offence

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be of a very grave nature. If it is of such a grave nature the court is expected to and I am sure the courts do inflict the punishment of imprisonment. If the honourable Minister had quoted facts or given us the number of cases where punishments have not been adequate to the offence and offenders are being encouraged thereby one could understand. Nor has any attempt been made to distinguish about the nature of the offences. If you want to make a punishment deterrent or produce the desired effect on would-be offenders, the offences that have been made punishable and the severer punishments provided therefor should be made known to the people. What has been happening here is this. The law has been there for the last three years and not one single copy of the rules and regulations is available anywhere. As a matter of fact in August last in connection with the amendment relating to offences in textiles I raised the question and at that time the honourable Minister for Industries gave an assurance that he will see to it that the control orders are made available. I wrote a letter in the beginning of this session and, Sir, you will be surprised to know that the answer was that they were not still in a position to place it in the hands of the public who wanted it. The honourable Minister has written to say that

"A comprehensive manual containing the control orders or statutory orders and rules and important circulars has been compiled and is now in the press. The difficulty is that the Government Press is unable to undertake the work because it is fully occupied, and private presses are unable to undertake the job."

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): May I know whether the reference of the honourable Member is to a letter from me or from the Minister of Industry and Supply?

Shri Prabhu Dayal Himatsingka: I wrote a letter to the Minister of Industry and Supply and I also made an enquiry from the Minister of Agrioulture. My letter was sent to the Ministry of Industry and Supply and the reply I received is dated the 18th March from Mr. K. Sen, Jaisalmere House, Government of India, Ministry of Industry and Supply. This is the letter that I have read out from.

My submission is that if you really want to make the law effective you must make it known to the public. It is no use depending on the maxim that everybody is supposed to know the law. True that everybody is supposed to know the law but if the offence is committed you do not want to punish him for punishment's sake but to see that he does not commit the offence in future. If that is the intention of the Government, certainly they should take steps to make the provisions of the law known. It is not the punishment that will stop this kind of offences but it is the extensive information that is made known to the people.

Let us see what is happening today in the different provinces and states. A tussle is going on as to who should be the Minister or who should be in power. Nothing is being done to educate the people or bring to bear on the people a certain amount of moral pressure or persuasion to make them fall in line with the Government or co-operate with it. Persons who are engaged in governing the Provinces and States are engaged in quarrelling among themselves. Today's newspapers mention three different places where ministerial quarrel is going on. What can you expect from the general public when they find this state of things amongst persons who are expected to set an example to the public and lead them on to the right path. At any rate, what is needed is that we should educate the people. Let them know what their duties are. It is no use promulgating laws which will make the government a laughing stock, because in most cases the offenders go undetected. Very few cases are brought to book and such cases are for minor offences such as a man carrying five seers instead of four seers of rice or ten seers instead of nine. There are

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different provisions and offences in different provinces. If a member coming to Delhi, thinks that rice is not available in Delhi, and has rice in his own house and he may start say from Bengal with five seers of rice. It may be all right when he started from Bengal but crossing the Bengal border and coming into Bihar it may be an offence to carry five seers of rice according to a law promulgated there. Further up it may not be an offence in U.P. and when he arrives in Delhi it may be an offence again. I am sure if honourable Members present in the House have to make arrangements for their food they may be violating the law every day in the matter of rice and wheat. If my honourable friend Mr. Sidhva, who has tabled an amendment that the punishment must be seven years and the fine must not be less than Rs. 10,000, is also of the same view he is welcome. If he thinks that the offences are committed by big businessmen or industrialists and on that basis he has tabled his amendment, he will be sorry, because as he will find from the figures given by the honourable Minister these offences are mostly of a trivial nature. I would therefore request the honourable Minister to consider whether there is any necessity for proceeding with this Bill.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I rise to support the provisions of this Bill. My honourable friend Mr. Himatsingka asked what was the necessity for the honourable Minister to bring an amendment to the original Act. He said that there was already a clause in the original Act empowering the infliction of a deterrent sentence on an offender. He probably forgets that that clause has not had the desired effect upon the offenders who have been systematically flouting the provisions of the law which is supposed to be stringent but is not so in fact. In this very session in reply to a question the honourable Minister for Industry and Supply revealed that commodities worth 35 Lakhs of rupees from the city of Delhi only were discovered in underground godowns and illegal export and import trade channels were operated on from Delhi. He stated also that most of the goods were cloth, food, potatoes and several other articles. He further stated.....

Pandit Thakur Das Bhargava (East Punjab: General): May I ask if the honourable Minister said anything about foodstuffs?

Shri R. K. Sidhva: Potatoes come under food stuffs. 3,500 maunds of potatoes, if it is food stuff and 400 maunds of rice, if it is food stuff. There were also a lot of cloth. It is not food stuff but certainly it is a second important necessity as my friend knows. In all, 260 cases were detected and some 400 persons were arrested of whom 337 were convicted. Aud what were the sentencea that the magistrate gave? Fines from Rs. 20 to 4,000. I do not know how many were fined Rs. 4,000. To a supplementary question he was not able to give me the answer. The imprisonment ranged from the rising of the court to four months rigorous imprisonment. How many were sentenced to imprisonment till the rising of the court and how many for ten days or one month and how many for four months, I could not know in answer to a supplementary question.

This very fact shows that despite the original clause, the Magistrates have been very lenient in awarding sentences. My friend, Mr. Himatsingka, will realize the necessity of the honourable Minister bringing forward this amendment. Personally, I would go still further and make the maximum period of imprisonment seven years instead of three years. If my friend were to read what is happening in foreign countries as regards any infringement of the Control Act he would be surprised and staggered. In certain cases they were hanged and in certain other cases the offenders were transported for life. This is a matter in which the Government is deceived by a certain class of people. I cannot say whether it is by the rich class or not. I have never specified it. But in such matters, the time has come when these people should realize what an amount of dis-service to society they do by infringing the provisions of the

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Act. Despite the sentence being for three years, it has had no effect on them. They do not care. I have been advocating that unless you confiscate their property, they will not come to their senses. To them, money is more dear than going to jail for three to four years. An effort has been made in this Bill that the property involved should also be confiscated. I welcome it. Again, in this Bill, a little latitude is given to the Magistrate. If you see the provision in clause 7 which is contemplated to be amended, it reads: "the Magistrate may fine". It is stated in the original Bill that he should be imprisoned and also fined. But again it is left to the discretion of the Magistrate. In the event of his finding that there is justification for a fine, he can fine but he must give reasons for it.

I do not want to go into the discretion of trying Magistrates. Sometimes, there may be a trivial offence and certainly a man should not be punished for a trivial offence by imprisonment of a long or short duration. Therefore the Magistrate has been empowered with this latitude. But in this matter, every year, we are bringing forward some sort of an amendment to the original Act on Essential Supplies and our experience has not been very happy. Our experience has been that despite these amendments from time to time, the effect on it has not been very satisfactory and I shall not subscribe to the views of my honourable friend, Mr. Himatsingka that public opinion has not been ascertained by the Ministry. Nor do I agree with him that because there are many ministerial quarrels, therefore these things should be permitted to happen. I am rather surprised. Does he mean to say that because Ministries are quarrelling such offenders should be allowed to go free and violate the provisions of the Act? What has this to do with the Ministries? Ministerial quarrels go on in all countries. But the provisions of the law have to be obeyed. His is a lame excuse. It is true that Government should have resorted to propaganda to elicit public opinion. I can appreciate that. But that does not mean that because it has not been done, therefore people should infringe the provisions of the Act which have been framed for the betterment of society. I therefore welcome the provisions of the Bill and I think my amendment, which I shall move when the time comes, is none too early in effecting such a change, although it is merely of a minor nature.

One point, of course, I welcome: as I stated before, it relates to confiscation of property and that is a great thing. It will go a great way if this is done. Out of this Rs. 35 lakhs of goods I asked the honourable Minister as to how much was confiscated. He could not tell me, though I have learned that it was of a few thousands of rupees only. If such kind of property is detected, all of it should be confiscated to the State. There should be no consideration as far as that is concerned and I want that clause be more stringent because that will have a deterrent effect on the offenders. With these words, I give my fullest support to the provisions of this Bill.

Dr. P. K. Sen (Bihar: General): There is only one point on which I wish to offer one or two observations and also to support my honourable friend, Mr. Himatsingka's amendment. He recommends that discretion of the Court shall prevail and there should be no fixed hide-bound law which the Magistrate, or the Court concerned has to administer. My honourable friend, Mr. Sidhva, says: no, we want to punish them adequately and therefore there should be no change at all. Make it "shall", so that in every case there shall be imprisonment.

But I may say, with great respect to my honourable friend, Mr. Sidhva, that his view as regards punishment is antediluvian. At the present moment, everywhere in the civilized world, there is an endeavour to make the law adjustable to the individual by what is called 'individualization' and that can

only be done in our present system by leaving discretion in the hands of the Court concerned to modulate the punishment. You can have either imprisonment or fine, or both—just as you like: just as circumstances of the case would really dictate. If on the other hand, we say, no, in every case it is such a heinous offence that it must be met with imprisonment, we shall come to grief. As a matter of fact, every day we find from experience that you cannot get a seer of rice or even half a seer from the ration shops. Even today I heard that the ration shop had declared that from next week there shall be no rice at all in their stock. Under these circumstances a man may have to take to dubious ways to get what he wants for sustenance of his life. For such action he should not be liable to be punished with imprisonment for three years, with or without fine. I do submit that this would be a very inflexible way of administering punishment. Punishment should not be so rigid, inflexible and hide-bound. It has got to be modulated according to the circumstances of each case. Hence I feel that the amendment is worthy of our acceptance.

Pandit Thakur Das Bhargava: If you will be pleased to consider the provisions of the original Act, you will see that the executive is armed with very extensive powers In regard to this, one of the provisions—clause 14—runs:

"No order made in exercise of any power conferred by or under this Act shall be called in question in any Court."

If you are pleased to consider along with this the provisions of section 3, which embraces in the first instance a general provision, you will find that it runs like this:

"The Central Government, so far as it appears to it to be necessary or expedient for maintaining or increasing supplies of any essential commodity, or for securing their equitable distribution and availability at fair prices, may by notified order provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein."

Nothing can be wider than this. Then when in the second clause this power was given a concrete form, even there it is divided into about eight or nine paras. and they too, are not specific. They are rather vague, indefinite, and one does not know what order may not be passed by any executive officer under them. But when you kindly see the range of these orders you will be pleased to note that they begin with the regulation "by licences, permits or otherwise the produotion or manufacture of any essential commodity" and they say that the order may provide "for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters" and also to

"produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order:..."

So that the range of orders which can be issued under clause 3 is of a peculiar kind and is very extensive in its scope. But unfortunately when we come to section 7, where the punishment is provided for all these crimes, one is reminded of the story: "*Take ser bhaji take ser khaja, Andher nagari chopat raja*" If a person does not give any information he should be sent to prison for three years. If a person does not obey a rule which may be made for the supply of an essential commodity to a city or village, even then he may be let off with a fine. The law should have been made more specific or at least the punishment should have been differentiated. It is a general rule of jurisprudence that when you invest a court with a certain power in respect of any offence, you must differentiate between the degrees of its heinous aspect, whether it is more or less. The courts are empowered to pass from a sentence of death by hanging to one of fine and there are 511 sections in the Indian Penal Code. Without such a differentiation will it be fair? I find in almost every Bill which comes before us this is the defect and nobody cares to define what sort

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an offence it is and what sort of punishment should be given. This is not the first time that I am recording my protest against this kind of procedure.

In regard to this particular question I have tabled an amendment to section 7, Clauses (a) to (j). I have tried to define in respect of certain orders under particular clauses the quantum of punishment to be given. In regard to ordinary offences the court should not be able to give as much imprisonment as in the case of very serious kinds of offences. We must differentiate between clauses (a) to (j) and apportion the amount of imprisonment to each.

In regard to the particular provisions before the House there was a previous amendment of this Act which dealt with cotton fabrics (Act LXIV of 1948) and in similar terms the Act was amended. In regard to food stuffs similar amendments are sought to be made. My submission is that so far as these are concerned I do not find any great difference of opinion between those who have sent in amendments and the original section. After all the proposed provision does not say that in every case imprisonment is to be given. On the contrary if there is a case in which the circumstances call for a fine only, the court is empowered to impose it. So far so good. I do not question the propriety of a provision like this. I understand that in regard to offences relating to food stuffs it may be necessary to instil fear in the minds of those who violate the law. Therefore a provision enforcing compulsory imprisonment unless the alternative of fine is called for is necessary. I have no objection so far as this is concerned. My objection is to make a general rule of this nature in regard to all the crimes about food stuffs. It is not only unnecessary but also mischievous in the extreme. I know that persons who carry one or two seers of *atta* are *chalaned* by the police and they are dealt with under the law. Mr. Sidhva said that the courts imposed fines ranging from Rs. 20 to 4,000 and gave imprisonment from the rising of the court to four months. He was not able to examine those cases and so could not say that the sentences were not fair. It may be that the offences in relation to which these sentences were given were of a minor nature. He gave instances of 400 maunds of rice and 3,500 maunds of potatoes and it may be that the sentences of four months imprisonment or Rs. 4,000 fine were in respect of those cases. These are the two examples only. No case has been made out before the House with statistics as to why this amendment is necessary. It has not also been proved that the courts have been lenient in such offenders, or that they had not given proper sentences. Even the honourable Minister thinks that in cases like this he wants to see that the law is not infringed; so that people would know that imprisonment would be given in every case. I would respectfully request him to see that if such an innovation is made in regard to offences in respect of orders under (c), (d) and (f) of section 3 that imprisonment may be necessary to be given but in regard to other matters relating to giving information and statistics this may not be insisted upon. The principle of law, I submit, is that where you can use a twig you should not use a *lathi* and it applies to this also. Therefore I have given some amendments to the section and I would beg the honourable Minister to kindly see them from this angle.

As regards forfeitures I quite see that the law amply provides for it. Even section 7 provided for it. In regard to clause 8 I see that it is a bit too hard and at the same time, I submit, it is not fully workable. If you see the proviso to section 3 the words are: "unless it is proved that the owner thereof knew that the offence was being, or was to be or was likely to be, committed." It may so happen that the owner is staying in Calcutta and his lorry may be plied in Delhi. The owner is not supposed to know but the driver may know and he may be in collusion with a smuggler or any person who wants to violate the

law. If the owner is ignorant there is no reason why he should be convicted. As a matter of fact this clause goes too far and it may not be workable in practice. Some device should be found under which you may be able to catch the driver and not necessarily the owner. Under the provisions of the law today abettors are guilty and can be punished and there is no reason why you should have a provision like section 7(a) because in practice it will not work. The severity of the sentence cannot make up for your lack of vigilence. As Mr. Prabhu Dayal Himatsingka pointed out people are not even supplied with copies of these laws and people do not know in what way they have infringed the law. It is absolutely necessary that people should know what conduct on their part is penal. Unless they know this how can you expect them to behave in a legal manner. My humble submission is that instead of tightening these punishments you must tighten up your propaganda. You must see that people realise that it is an offence to behave in the manner indicated in the provisions of the Bill. This will give you better divideuds rather than having seven years imprisonment or Rs. 10,000 fine which Mr. Sidhva was pleased to suggest My final submission is that proper consideration should be paid to the apportionment of a fair amount of imprisonment in respect of the various offences mentioned in clause 3.

Mr. Nasiruddin Ahmad (West Bengal: Muslim): Sir, I regret I have to oppose the Bill altogether. With regard to the real purpose of this amending Bill there is in the House some justifiable confusion. The change proposed by clause 2 regarding punishment is merely to change an offence of one class into an offence of a different class altogether.

[*At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar.)*]

Clause 2 tries to replace clause (b) of proviso to sub-section 1 of section 7 of the Essential Supplies (Temporary Powers) Act. I find that that Proviso was introduced by Act LXIV of 1949 very recently. That Proviso dealt with an offence relating to cotton textiles while this Bill tries to provide for an offence relating to food stuffs. So it is not changing merely the discretionary character of the sentence but rather changing the offence altogether. I do not know whether there was any other amendment to the original Act; this is what I have been able to collect from the Library. The original Proviso to Section 7 dealt with the contravention of an offence relating to cotton textiles. I find that all the orders under Section 3 of the original Act relate to cotton textiles. But this amendment will convert this Proviso from an offence against cotton textiles to an offence against food stuffs—a different offence altogether.

I beg to point out that in the original Act there was the provision of sentence of imprisonment which was compulsory and here also they want to make it compulsory. I submit that this would be entirely out of the question. If we accept this Bill the effect of this will be to convert almost every honest citizen into a criminal. The real disease or the real difficulty in this problem is shortage of food stuffs That is the real cause of the crime. That again is accentuated by much mismanagement of the controls. In fact the offences relating to food stuffs are, as a matter of necessity, being committed openly without anybody being caught. You do not get food stuffs in the control shops or at the controlled prices. Food is such a thing that a man cannot live without it. Even clothing could be dispensed with for some time but not food. So, by the very failure of the control and by the absence of sufficient control over these controls, a man in need of food is forced to go to the black-market. Black-market is no longer a black-market: it is an open market. I am informed by a very eminent member of this House that rice is being sold at much

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over control price in Paharganj openly and I am assured that every second shop is a black-market rice shop.

Pandit Thakur Das Bhargava: Why rice alone? Wheat etc. are also sold —all food grains.

Mr. Naziruddin Ahmad: There is open black-market for all food grains. In fact any honourable Member including the honourable Minister, if he likes, can go and find out for himself, offences being committed openly relating to food stuffs. So on a diagnosis, the disease is not the offence committed by the people; the disease is firstly the absence of food stuffs, and secondly the failure of the Government to make food stuffs available at control prices and at all places. The offence is only the symptoms of the disease. In order to check this offence the first thing one has to do is to make available sufficient food stuffs to the ordinary people and to make them available at the control prices. If anybody is to be punished, and if rigorous imprisonment is a desirable thing in this connection it should be awarded to those who are responsible for the situation. Can you, as a man of the world, as a man of sympathy, regard a person as a criminal who goes to save the life of his child to buy a little food stuff in the black-market? Can you have the heart to punish him? What will happen is, and what has happened all along from the British period down to the Independence regime is that the big dealers in the black-market are never caught and never touched. They will go scot-free as they are going scot-free. Nobody will be able or willing to catch hold of them. The result is that the small dealers who have to buy these food stuffs at higher prices than the control prices themselves and who have therefore to sell them at above control prices will be caught, and along with them will be caught also the buyers, the persons who are forced to go to the shops and buy food stuffs at a higher price.

You will be pleased to consider that if you make selling an offence you necessarily make buying also an offence. Buying in the black-market against the Food Control orders would be an offence of abetment. It is instigating or facilitating the commission of the offence by the dealer. It is defined in Section 107 of the Penal Code and the punishment section is Section 109—abetment of offences. An offence as defined in section 40, paragraph (2) of the Indian Penal Code is an offence not only under the Penal Code but also under any other law. Therefore it comes to this that a buyer who is morally innocent and helpless, for whom it is impossible for anyone to withhold his sympathy, will be regarded as an abettor, abetting the shopkeeper in selling above control prices and he will have to be punished; the Court will be forced to give him also to rigorous imprisonment. I ask in all fairness is this just and fair?

The real trouble is the failure of the food grain policy. I do not blame the Government. I have also my sympathy for the Government. It is not an easy proposition. The honourable Minister is doing his best. It is impossible for anyone to fail to recognize it. But then the Government has failed for various reasons and for this failure you are not going to punish those who are responsible for the failure, and the big dealers and the officers and others, but you are going to punish the small dealer and the helpless buyer who are not friends of the police. I submit this Bill will be mischievous in its effect if not in intention. There is a desire to punish offenders but the punishment will fall upon small fries and the purchaser, and it will ultimately recoil on the very public for whose benefit the Law is sought to be enacted. The result of this would be that open black-markets will be driven underground and people will have to go in secret, pay more, take greater risks and buy the same thing.

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[Shri B. P. Jhunjhunwala]

. Sir, while speaking on the previous measure, I had stated that I neither opposed nor supported it. I had been watching in several places and in several provinces as to how this control is being administered by the officers. I shall quote one instance. The other day a grain merchant of a sub-division was with me. He was relating a story that the Sub-Divisional Officer came to his town and called a meeting and warned the people about black-marketing threatening them with all sorts of things. The gentlemau about whom I have spoken is a leading merchant of that place. When the meeting was over, the Sub-Divisional Officer met that merchant and told him, that the import of wheat in that place was prohibited and the merchant said, "Well, Sir, I have got so many bags of wheat with me and I am getting more. What to do?" The Sub-Divisional Officer said, "Well, carry on, these things are only for saying, and as a Government officer I have to do it. You kindly send one bag of wheat to my place also". These are the officers who are administering the controls.

In the previous regime there was some sort of friendship created between the administrative staff and the so-called big people who had vested interests. It still continues and has developed into a sort of natural affinity. I had thought that under the present regime it will change, but to my utter surprise and great pain I find that it has not changed. And officers who are addicted to such habits as in the instance I have quoted in the beginning, instead of being punished in any way are promoted.

How can you expect an improvement in the position simply by increasing the sentence or making it compulsory by means of this legislation, when you feel from the heart of your hearts that you cannot administer it? Instead of doing good, it demoralizes the people. It is not the case of only the small officers. Even in the teeth of public opinion that a particular person is of an undesirable or questionable conduct in regard to his business dealings, the highest authority gives him the permit or licence in preference to other honest men. When the high officer does it what can you expect from sub-ordinate staff. As my friend Mr. Naziruddin Ahmad pointed out, it is impossible for anybody to carry out your control. If a man goes and buys condensed milk in the black-market for his baby, will you punish him? If you punish him, what does it mean to the public? How do you protect them?

The Honourable Shri Jairamdas Doulatram: There is no control rate for condensed milk; it can be purchased in the bazar just as anything else.

Shri B. P. Jhunjhunwala: That is merely by way of illustration.

The Honourable Shri Jairamdas Doulatram: You must give an illustration which is in accordance with facts.

Shri B. P. Jhunjhunwala: What about sugar? What about rice? What about wheat?

Shri R. K. Sidhva: But sugar is not under control.

Shri B. P. Jhunjhunwala: Well. what about rice? What about wheat? I am very surprised—not only surprised but pained—to find that when I quoted an instance inadvertently, the honourable Minister questions me saying that condensed milk is not under control. He knows full well that there are so many other articles which are under control and which are being sold in the black-market and we the consumers have to purchase them in the black-market. Dr. Sen was saying just now that the punishment to such purchasers should be light. I would like to know whether there is any Member

of the House here who has not purchased articles from the black-market, and whether we are prepared to be punished?

Shri L. Krishnaswami Bharathi (Madras: General): Nobody dare punish us!

Shri B. P. Jhunjhunwala: That is my grievance. If you cannot administer the control, there is no meaning in putting up a mere show as the previous Government did. When we are not in a position to administer the control properly, the placing of such laws on the Statute Book and such things as permits, licences and others merely demoralizes the people. It was for this reason that Mahatma Gandhi said that it is in the interests of the country that these things must go in order to save the country from further demoralization.

Shri B. P. Jhunjhunwala: Sir, I am reminded of a couplet:

"Evil is a monster of such fiendish mein,
As to be hated, is to seen,
Yet seen, too oft, familiar with its face:
We first endure, then pity then embrace."

Mahatma Gandhi saw this danger, and he advised us accordingly. Let us just introspect what our position is at present, towards what we are drifting. You cannot put your administrative machinery right; and you cannot catch hold of the real black-marketers—these two interests having developed affinity between themselves. Instead of that, in order to show to the public that you have so many cases, so many prosecutions, honest people are implicated. I shall give just one instance and then finish.

One merchant with whom some official got offended was prosecuted for selling some yarn, although under the then existing orders there was no case against him. Three members of his family were put in jail for one day. Then due to the intervention of the higher authorities, they were let out. This officer was of the standing of a District Officer, but even in such a case, no action was taken against such an officer. No way is being found to set right the administrative machinery and strike at their collusion with the actual black-marketers and actual offenders with whom they have developed a sort of natural affinity. In these circumstances, I would request the honourable Minister for Agriculture to think twice before going on multiplying these legislations which result in demoralizing people and making them criminal minded.

Several Honourable Members *rose*—

Mr. Deputy-Speaker: Has not enough been said about this? The Honourable the Home Minister wanted this Bill to be finished early and there are other Bills.

Shri L. Krishnaswami Bharathi: No, Sir. This is very important.

Mr. Deputy-Speaker: Mr. Krishnamoorthy Rao. He rose first.

Shri S. V. Krishnamoorthy Rao (Mysore State): I am rather surprised that there is so much opposition to this Bill.

Shri L. Krishnaswami Bharathi: It does not affect you.

Shri S. V. Krishnamoorthy Rao: In fact. . . .

Shri L. Krishnaswami Bharathi: On a point of order, Sir.

Shri S. V. Krishnamoorthy Rao: From the North Western districts of Mysore State from where I come...

Shri L. Krishnaswami Bharathi: On a point of order, Sir. May I know whether this Act affects Mysore State?

Shri S. V. Krishnamoorthy Rao: But this ordinance is enforced there. We have passed this ordinance.

Shri L. Krishnaswami Bharathi: This Ordinance does not apply.

Mr. Deputy-Speaker: What the honourable Member means is that a similar Ordinance is enforced there.

Shri T. A. Ramalingam Chettiar (Madras: General): That cannot be disoussed here.

Mr. Deputy-Speaker: Is it not open to him to bring his experience to bear upon the working of this Act? A similar Act is in force in his State. Therefore, he is in order.

Pandit Thakur Das Bhargava: Before this Bill has been passed into law, I do not know how such an ordinance could apply there.

Shri S. V. Krishnamoorthy Rao: We have a similar ordinance in force there.

Shri L. Krishnaswami Bharathi: With compulsory imprisonment with a maximum of three years?

Mr. Deputy-Speaker: The honourable Member need not be disturbed. Is it not open to an honourable Member to draw upon his own experience of a similar piece of legislation? Why should he be interrupted?

Shri L. Krishnaswami Bharathi: I am not disturbing. Are we not entitled to know, for information, whether such a rule with three years compulsory imprisonment as maximum is in force in Mysore? Let him explain.

Mr. Deputy-Speaker: When a question is put, it need not be argumentative.

Shri S. V. Krishnamoorthy Rao: I beg to inform the House that an ordinance has been passed in Mysore that a magistrate should give imprisonment for such offences unless special reasons are shown.

Shri L. Krishnaswami Bharathi: How many years?

Shri S. V. Krishnamoorthy Rao: We are not concerned with the term of imprisonment. It all depends on the gravity of the offence. We blame the Government for not effectively checking black-marketing. We blame the Government that controls are not effective; we blame the Government for importing food stuffs to the tune of 130 crores. How can the controls be effective unless we give special powers to the Government to check black-marketing and smuggling? This Bill has been brought forward to place that Ordinance on the Statute Book. My learned friend quoted Mahatma Gandhi. Every one of us quotes Mahatma Gandhi. The Government did remove the controls; what happened after the removal of the controls? The Government was forced to re-impose the controls.

Babu Ramnarayan Singh (Bihar: General): Forced by whom?

Shri S. V. Krishnamoorthy Rao: By the merchants, by the black-marketers, and by the people who smuggle the food stuffs.

As long as we are short of supply, as long as we are compelled to import food stuffs from outside, I think the Government should have sufficient powers to enforce these controls. Nobody likes controls; I do not like the controls. But, the Government has thought that controls are necessary; as long as controls

remain in our country, I think sufficient powers should be given to check black-marketing and smuggling. We all know what sort of crisis we are passing through so far as food stuffs are concerned. Mr. Jhunjhunwala submitted to the House that vested interests should be caught hold of. I have tabled an amendment to the proviso to clause 3 that the burden of proving that the owner of the vehicle had no knowledge that the offence would be committed should be thrown on the owner himself, because in such offences, it is only the driver or the servant getting a small pay that is caught hold of and made the scape goat and the owner always escapes. No honest owner will lend his lorry or his vehicle for the commission of this offence unless he is a party to it. My learned friend suggested that the owner may be in Calcutta and some driver may be caught here. But, the person who is in Calcutta and who lends his lorry for the offence to be committed in Delhi, will always have some agent in Delhi who will be in control of his vehicles. If the substantive offence is proved, the presumption should be that the owner had knowledge that the offence would be committed.

Shri L. Krishnaswami Bharathi: Is the law the same in Mysore?

An Honourable Member: Is the offence committed by the agent?

Shri S. V. Krishnamoorthy Rao: The agent should be presumed to have had knowledge that the lorry is going to be used for the commission of the offence when the substantive offence is proved. What is the use of saying that the police must prove that the owner has knowledge of the offence? I know of instances where people have been caught hold of red-handed for smuggling of food stuffs, sugar and rice bags in lorries carrying charcoal and they have escaped with a mere fine. We cannot check this smuggling unless the real persons behind the commission of these offences are brought to book. Such provisions are necessary and I support the Bill in all its aspects.

Shri L. Krishnaswami Bharathi: He has not given his experience; we would like to know that.

Mr. Deputy-Speaker: To that extent he has obliged the House; there are others who want to speak.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Prof. Shibban Lal Saksena (U.P.: General): Sir, this Bill tries to give capital punishments for food offences. My experience of the working of the rationing laws in my province has been that the majority of the people who are arrested and convicted for these offences are poor people who carry small quantities of grain from one place to another for their own living and these people are put in prison and harassed. I have not yet known of any large number of really big merchants, who are really responsible for the black-market in these food grains being brought to book.

This Bill which we are passing and in which the punishment has been raised to three years and in which it has also been provided that the carriers by means of which this smuggling takes place should also be forfeited, will not achieve the desired result. I very much doubt if many lorries and other big vehicles will be confiscated. What will really happen is that many bullock carts of the kisans will be confiscated and they will be harassed. That is my practical experience from the interior of the Gorakhpur District where lies the border between the U.P. and Bihar and where I find many people carrying small quantities of grain for feeding their starving families.

[Prof. Shibban Lal Saksena]

Therefore, I am at a loss to know what to do, whether to support this Bill or not. The purpose is laudable, but I know from experience that it will not stop black-market, because the source at which the black-market begins is not affected by this Bill. I would not be exaggerating if I say that if every supply officer, in whose area black-market is found to exist, were held responsible for it and were given deterrent punishment, the black-market would stop. But by catching small people and giving them deterrnet punishment, I do not think you will be really solving this problem.

I would have, in fact suggested that nobody who is found carrying small amount of grains, say upto 20 seers for consumption should be punished under this new law. That would at least save the people who commit these offences mostly out of ignorance and sometimes out of dire necessity. But the Bill will really be used against them in order to show that the number of convictions for food offences are so great. But if we analyse the cases we will find that no big fish has been caught and only the small people have been punished. Therefore, Sir, I am at a loss to know whether I can honestly support this Bill.

I really warn the Government that they will not be stopping the black-market by raising the punishment to three years. There must be some method by which they can attack the black-market at the root by purifying their own control department, which is charged with the duty of enforcing the food laws and unless they become more honest, and deterrent punishments are given to them for dishonesty, I do not think that this Bill will be very helpful.

Sir, I was the President during the year before last of the Rationing employees union in the U.P. All the rationing employees in the U.P. were members of the Union and they had their grievances about pay and other things. From direct knowledge therefor I can say that a premium is put on dishonesty in this department. Generally a corrupt officer wants his subordinates to be corrupt. Honest subordinates find it difficult to carry on and are very often dismissed as incompetent, or are victimised on false charges. Dishonest subordinates are seldom caught as they act in collusion with dishonest officers. Even if they are ever dismissed, they have already collected enough to fall back upon. There were cases where people who were dismissed had already earned several thousands, and sometimes even lakhs. Unless strong measures are taken that everybody who is enrolled in the supply department will have to give an inventory of all his assets and if and when he leaves that department and at intervals his assets will be checked to see that he has not made illegal gains, I do not think you can really control the black-market. Unless you have a service which is honest, which is really inspired by the ideal of administering these food laws with honesty, you cannot really eradicate the black-market.

Sir, we all know that the problem of food and its conservation is all important. We also know that our national plans could not be implemented because of our having to import 120 crores of rupees worth of grain from outside. In fact we have been promised that in 1951 we will not import food grains. The only thing possible, therefore, is that we must become self-sufficient during this period and for this purpose more than anything else, there should be scientific rationing all over the country. Things should be so ordered that no food is wasted and nobody is deprived of the required

quantity. If there is any scarcity, everybody should share it. That is what is being done in other countries. But in our country the position is such that many Members of the House have confessed to me that they themselves live on food got from the black-market. Who does not know that if a guest comes to his house he will have to purchase food from places from which they should not do. After this Bill is passed, every one of us will be liable to three years' imprisonment for feeding our guests in this manner. If honest and scientific rationing can be assured, everybody will help the Government in administering the food laws and in conserving and distributing the food that is available.

I, therefore, think that while I am afraid this Bill will not serve the purpose for which it is intended, *viz.*, to stop black-markets, I cannot oppose it, but would urge that it should be used against the big black-marketers. I ask the Government that they should issue circulars to see that petty cases in which the poor peasants might be involved should not be dealt with severely, but that if big officials or black-marketers are caught and if people are found to violate the provisions of this Act for their gain, they should be awarded deterrent punishment. With these words I commend the motion to the House.

Shri Biswanath Das (Orissa: General): Sir, I rise to support the Bill. Administration in essence is based on *Danda* (punishment). No administration is possible without *Danda*. Even in Mahabharata Shanti Parva, Bhishma has said very clearly that society, Government and State rest on *Danda*. *Danda* is necessary, and where conditions are deteriorating from day to day, deterrent punishment is called for and necessary. In this view of the question I support the Bill. But I have my own doubts and difficulties.

Sir, from the view expressed by the honourable Mr. Gadgil yesterday in the course of the discussion of a very necessary and healthy social reform provision in the Bill, adumbrated by my honourable friend Pandit Thakur Das Bhargava, it was clear that the Government are not willing to entrust the police officers with necessary powers. I do not know how that very Government, who were not willing to entrust certain powers to police officials within certain limitations, can now come forward with this Bill leaving to the executive tremendous powers which are capable of misuse and of immense mischief. I for my part am prepared to undergo any suffering for the misuse of such powers by the executive, provided there is a way out of this *impasse*.

Sir, I must tell you that black-market is the child of speculation. Have you been able to stop speculation? The Scheduled Banks which are controlled by the Reserve Bank and the Imperial Bank are advancing millions and crores of rupees to the merchants. Go to any *mandi* you will find that they are indulging in speculation with the money advanced by these banks. If my honourable friend could stop this speculation he will find that the powers, that he seeks to have under this Bill, will be unnecessary. I repeat that black-market is the child of speculation. Do away with the very cause against which you are fighting directly and indirectly. I would therefore request my friend to persuade and prevail upon the honourable the Finance Minister to see if he could call upon the Reserve Bank, the Imperial Bank and the Scheduled Banks to prohibit speculation so that black-market could be put an end to very soon.

My difficulty is not about giving him the powers he wants. It is otherwise and it is born of experience. Let me state it. Control is imposed in the transport of food grains from village to village and from *taluk* to *taluk*. How are you going to work this? I have my paddy lands in a place five or ten miles away from my residence. I have to bring my paddy to my house. Does this transport not come under the provisions of this Bill? It does. While therefore I am earnestly trying to bring my paddy for my own use, I will be

[Sbri Biswanath Das]

the object of misery and trouble. (*Interruption*) I do not mind three years or any period. That is a thing which needs consideration.

Sir, again, I have seen that there are different rates prevailing in different districts. There is a lot of difference between the prices prevailing in the district of Puri and those prevailing in my own district of Ganjam. People generally go in train with four or five rupees, purchase grains from one place and bring and sell them in another place. This is done under the very nose of the railway officials and the police. These things will not be possible under the provisions of this Bill I know and I am glad about it. But what are you going to do for equalisation of prices within a province? Are you going to restrict the movement of cereals within the province and within the districts? These are points which require examination.

There is a State called Mayurbhanj in the province of Orissa the areas of which are so inter-mingled with Balasore that you have to cross the borders of the State to go to the Province though you cultivate your own lands and you carry your own produce to your own place of residence. Even within a district, to bring your produce to your house you may have to cross the borders of another district. Are you going to stop this movement of food grains also? Where is the provision for protection in the Bill for such cases which are not really offences? It will be necessary for the *kisan* to harvest his crops and bring them home for his own use, for sale or for supply to the Government. What is to be done in such cases? What is to be done?

There are other difficulties of a similar nature. I have no objection to giving all the powers necessary but, as Mr. Saksena said, we find that very few rich or well-to-do people are booked and it is only the poor who have suffered. As a prisoner in jail for three long years it was my misfortune to find that for excise offences small people were always punished and we were getting information that the manufacture and sale of illicit liquor is going on merrily as before; and that also with the connivance of officials. How can you think of taking possession of motor vehicles when it is well known—unofficially of course—that exports outside the provinces are being done with the full knowledge and concurrence of the police? I have no objection to giving the powers wanted but people who really deserve to be punished should not be allowed to escape.

Sir, this is nothing but a repetition of the Ordinance except this that you want to take away also the vehicles and the containers along with the goods. We do not mind giving these powers and more if necessary. But do fight and fight well black-marketers. My complaint is that the path you have chosen is not the right path and will not help you or meet the requirements of the situation. It would however be unfair for us to refuse power and not to give you this warning.

Mr. K. T. M. Ahmed Ibrahim (Madras: Muslim): Sir, it has been conceded that with regard to things in short supply there must be control in order that the available quantity may be distributed among all sections of the population. Hence control is imposed for the good of the people, but I am afraid that the provisions of this Bill are bound to act in a contrary manner, as an engine of oppression of the common man, specially the rural population whose life will be made miserable.

It is sought to punish with imprisonment people guilty of contravention of orders relating to food. No offence relating to food has been exempted, and therein lies the difficulty in regard to this Bill. It is true that there are certain grave offences which have to be dealt with in a stringent manner for the purpose of effectively and successfully carrying out the policy of control. For example, in regard to procurement, we have to see that maximum procurement is made so that maximum quantity of food grains may be made available to all. But there

are many other orders which are contravened not for pleasure or for hoarding or for making large profits, but in order to meet the barest needs of human beings.

In these days of tight money market people cannot buy in the black-market for the mere pleasure of hoarding. We know that the quantity prescribed by the ration rules is not very often enough to keep the body and soul together upon, and so the common man is driven to the necessity of purchasing in the black-market whatever is needed for himself and his dependants. Secondly the quality of the food stuffs supplied in the ration shops is often so bad that people are not normally tempted to buy them; in very many cases they are unfit for human consumption. Therefore out of sheer necessity people are often forced to contravene some of these orders relating to food stuffs; further they are forced to do so because of the failure of Government to provide them with the barest necessaries of life, which it is the elementary duty of Government to do.

That is how the difficulty arises. It is the duty of Government to give the people good food and thereby ensure their good health; but no one can say that the food now given to the common man is such as would keep him in good health. Therefore I say that Government also contribute to a certain degree to these breaches of orders by the common man. And the Government are tackling the question in the wrong way; they are attacking the symptoms and not the disease. The actual disease is that the ordinary citizen is not able to get the necessary amount of food grains that he requires; and it is this disease which has to be diagonised and treated in the proper manner.

Of course Government have been trying their utmost to get food from outside and also to increase the production within the country through the Grow More Food Campaign. But their efforts have not been quite effective and successful so far. In order to stop this black-marketing and contravention of orders enough food grains have to be made available in the country. On account of the failure of the Government to do so the poor man suffers; the rich people are able to get all that they want in the shape of tinned foods etc. So the proper thing to do is to see that enough food of the proper quality is made available to the people.

Then about procurement it is said that the peasant and the farmer are not willing to surrender all the food grains that you want. That is true; but the reason for that is that the prices of all the necessaries of life have gone up tremendously and the peasant has to purchase them with the money that he gets out of the sale of his grains. Therefore it is necessary that he should be paid the proper value for his grains; otherwise he is forced to sell his produce in the black-market. So the proper thing is that the farmer and the peasant must be paid an adequate price for their produce.

3 P. M. In this connection I must point out that the Government is not prepared to give our peasants even the price which they are prepared to give for the food grains which are imported from abroad. When you are prepared to pay a higher price for the food grains which you get from outside why cannot you pay the same price for the food grains produced in the country, so that our peasants can get the necessary money to purchase the necessaries of life?

Therefore, I say that by this Bill the Government seeks to tackle the symptoms and not the disease. Besides, generally the ordinary man will suffer and his life will become miserable. He cannot see his children starve and so he purchases some food stuffs, and for this it is being proposed now to sentence him to imprisonment.

[Mr. K. T. M. Ahmed Ibrahim]

But I have no objection if certain grave and serious offences are made punishable, for example those with regard to procurements. I must reiterate that the prices offered by the Government, are not quite adequate. Still, in order to make the peasant part with the surplus food grains, we may make some stringent provision. But to make punishable with imprisonment a contravention of every food order, will make life miserable and instead of acting to the good of the people, will work as engines of oppression. Therefore, I submit, the provisions of this Bill should be confined to certain major offences, just as those relating to procurement.

Further even lawyers are not able readily to find out exactly the position regarding the food orders. Orders are promulgated from time to time and we have to search the Government Gazettes from page to page to find out the exact position in regard to particular matters. Such being the case, how can we expect the common man to know all these orders and act in such a manner as not to contravene the orders. It has been suggested in the Provincial Legislatures that the Government should publish every month the orders that would be in force during the month. Even that is not done.

Therefore such stringent provisions should not be made in this manner and they should at best be confined to certain major offences so that the ordinary man, the masses, the illiterate people may not be forced to suffer imprisonment for actions of a less grave nature which they are compelled to do in the circumstances I have already explained.

Babu Ramnarayan Singh: Many of us yet had to speak on the subject.

Mr. Speaker: There has now been sufficient discussion and no other Member has been able to catch my "legal" eye!

Babu Ramnarayan Singh: Will you listen to me? I rose several times.

Shri M. Tirumala Rao (Madras: General): This is an important Bill which has to be worked out by the Provincial Governments and there are so many lacunæ in it.

Mr. Speaker: Whatever it may be, I do not want any further argument. I find that ten speakers have participated in the debate. The point is a very small one. The same arguments are being advanced by different speakers though, more or less in different languages. There should be a limit to such a debate.

Shri L. Krishnaswami Bharathi: How else can we bring the views of the House to the notice of Government?

The Honourable Shri Jairamdas Doulatram: I feel that on the whole I made a mistake in speaking very briefly when moving this Bill. Though the motive for that brief speech was to save the time of the House for the important and heavy agenda which was before it, I find that as a result of that brief speech, the contents of the Bill and the implications of the provisions have not been properly placed before the House. Let me first give a little history of this legislation.

When at the last session this same Bill was under amendment, it was a question of empowering the courts with regard to the breach of laws of control of cloth. At that time, this same Act, which is not a Provincial Act has been in operation for the last seven or eight years in one form or another: first in the form of Defence of India Rules, and then in the form of this Act since 1946: and the provinces have been administering this Act all these years. When control over cloth was reimposed last year, an amendment of this Bill

became necessary. At that time the amending Bill provided for compulsory punishment for three years for the breach of laws of control of cloth. There was no option left to the court to impose any penalty or fine. Whatever the paltry nature of the offence, the Legislature—this same Legislature—gave power to the same courts to impose nothing but a sentence of imprisonment, the maximum period of that imprisonment being three years. Some Members of the Assembly at that time asked what about food? What are you going to do to see that the control orders for food also get the same measure of support? At that time Government made it clear that when food control comes to be imposed, Government will take adequate steps to empower the courts. Food control was imposed in October. Soon thereafter, we issued an Ordinance empowering the courts to give punishment of imprisonment for three years. Realizing the difficulties and the imperfect character of our administration—which I frankly admit—I did not want that we should have the same provision with regard to food control as we had and as the Legislature also sanctioned for cloth control. So I made a provision giving power to the Court, in view of the circumstances of each case, to decide whether the sentence which it imposed would be of imprisonment or of fine. But because of the continuous criticism which has been voiced in the Legislature against the way in which courts imposed fairly light sentences by way of fine, we laid emphasis in this new Ordinance on imprisonment as the normal thing and placed on the Court the responsibility of explaining why in a particular circumstance they felt that the need of justice would be better met by a sentence or fine and not of imprisonment.

Let me therefore clear this misunderstanding. The court is not compelled or obliged by this Bill to impose a sentence of imprisonment whenever there is a breach of the food laws. The court has got to go into the circumstances of the case and if it finds that the ends of justice would be better served by merely imposing a sentence of fine then the court will record the reasons for imposing only a fine.

I find my honourable friend Mr. Nasiruddin Ahmad, who created so much sympathy for very exceptional cases which he painted, has given notice of an amendment under which the court has no option except to impose a sentence of imprisonment. Under his amendment the court must sentence anyone who commits a breach of the food law to imprisonment, the maximum being three years. What I wish to place before the House is this. Let us so deal with the situation as on the one hand to see that the courts are encouraged and empowered to be fairly firm and strong in dealing with cases of breach of food laws and on the other hand let us not by anything that we say here create an atmosphere of sympathy for those who do break the food laws. We realise that in rural areas there might be conditions under which the circumstances of an offence by a particular individual are such that the court ought not to sentence him to imprisonment. Also it is a fact that this law has been in operation for six months: it is not that we are enacting a new law. We are only giving the form of law to an Ordinance which has been in operation for six months and during all those six months the amount of tyranny or oppression exercised, in my opinion, is not as it has been painted here. I believe there is quite a large number of cases, perhaps hundreds and thousands, of cases of poor people going about and functioning in their own way without any action being taken against them. I realise too that the administration of our laws is not perfect. There are many loopholes and many occasions when all that should be done is not being done. I realise too the anxiety of members who come from the provinces and who know the condition of things in the provinces. I understand their anxiety that in connection with the administration of these laws hardship should not be inflicted but at the same time justice should be done. The only way that I can think of is that while empowering the courts with the powers on which the members of this House have been usually insisting, we should take steps to see that the administration and

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the executive function much better than they do today. If members feel that they could give any kind of aid or assistance I would certainly suggest to the provincial governments to consider whether in this matter, as also in some other matters, the local members of the legislature or other public representatives should not be associated with the administration of the food laws, in the sense that they periodically review the action that has been taken, give their advice and comments on the manner in which control orders had been administered and what improvements are possible and certainly give to the Central Government the result of their experiences in the course of those meetings and discussions. I cannot think of any other step by which the administration can be checked unless we make a radical change in the personnel of the administration. Lakhs of low paid officers are scattered in the villages. New reliable officers in lakhs would have to be recruited from somewhere. Do we expect to be able to do this and then administer our control laws justly, fairly and impartially and without corruption? I feel that there are difficulties inherent in the situation and we can only provide certain measures, not in themselves completely satisfactory, but yet which may help us to improve the administration of the food laws. But so far as the courts are concerned public opinion, on the contrary, has been insisting that in quite a number of cases fairly influential people are let off with only a sentence of a fine. This type of criticism has been repeated in the press and we have heard echoes of it also in this House. Therefore we made it on the whole an usual thing to sentence a breaker of law with imprisonment and at the same time gave discretion to the court in special circumstances to impose only a fine. We have put no limits to the amount of fine. In special cases it may be as high as Rs. 10,000 as proposed in the amendment of one of the honourable Members or it may be as light as rupees ten in the case of a person who is financially not in a condition to be able to pay more. While giving to the courts a certain amount of discretion, with regard to the executive and the administration we can take whatever steps we feel desirable and practicable to see that conditions are better than they are today.

There are several amendments.....

Shri B. L. Sondhi (East Punjab: General): What about section 8?

The Honourable Shri Jairamdas Doulatram: As regards section 8 of the Bill, as a result of the recommendation of one of the provincial governments we have gone a step further than we had done in the case of cloth control. We have provided that even the vehicle and the animal which are used in connection with the breach of the laws may also be forfeited. There is one amendment which suggests that where an owner has no knowledge that his particular vehicle is being used or as was suggested the owner is in Calcutta and his driver is using the vehicle without the knowledge of the owner. I am prepared to accept the amendment by which it will be possible to see that only a person who has knowledge of the offence suffers under this law and the vehicle is forfeited only when we can assume that the owner had knowledge that it was operated to commit a breach of the law....

Shri R. K. Sidhva: That would be changing the whole object of the Bill.

Shri M. Tirumala Rao: When do you expect the forfeiture of the vehicle? Only after the conviction?

The Honourable Shri Jairamdas Doulatram: Yes. This is a matter which can be discussed when the amendment is moved. What I was trying to say was that while we are empowering the courts with larger powers with regard to the breach of the laws relating to cloth, it would be psychologically, in my humble opinion, wrong policy to make it appear that with regard to

the food laws and black-marketing in food or other breaches including offences by officials we are lax. Cases have occurred in which officials have been taken to task and punished for acting against the orders under the food laws. So I suggest that psychologically, in my opinion, it would not be proper policy if we weaken the hands of the courts in dealing with breaches of the food laws.

With regard to the administration I have no doubt that much remains to be done and one suggestion which I have placed before the House can be considered and in consultation with the provincial governments we can try to implement it.

I feel that the amendments do not so deal with the principle of the Bill. On the other hand the intention of some amendments is to stiffen the provisions of the Bill. There are amendments suggesting that in place of three years being the maximum the sentence should be of five years. There is an amendment that the maximum should be seven years. On the other hand there are amendments which lighten the effect of the provisions of the Bill. For instance, my honourable friend Pandit Bhargava has suggested that we reduce three to two years and in some cases even to six months.

There is one consideration that I want to place before the House. This is, as I said once before, not a Bill which is coming to the House only now for enactment. It is only in place of an ordinance which has been in operation for six months. For six months the food laws have been administered under that ordinance. At the end of six months if you make a change from three years to two years or one year or six months, the psychological effect will be that the Government is not in earnest in the discharge of its duties for the purpose of stiffening the operation of the food laws. It was because of the reaction in my mind when the amendments to the Textile Control Bill were proposed and passed by the legislature that I felt that we must also have an equally stiff law. On the contrary in view of the difficulties of the poorer people and the conditions in the rural parts of the country I gave that restricted discretion to the court both with regard to the punishment as well as with regard to the forfeiture of the vehicle.

Therefore in special circumstances where it finds that injustice will be done it will have the power not to impose a sentence of imprisonment or to forfeit the vehicle which has been used.

Sir, I therefore suggest that the House may now take up the consideration of the Bill clause by clause.

Babu Ramnarayan Singh: One question. For the past few days there is no rice available in the ration shops. There are people, especially children, who cannot do without rice. What arrangement has been made or is going to be made to make rice available?

Another question. There is rice in the bazar—there is any amount of it available. In the meantime will he allow the sale and purchase of the rice by people?

The Honourable Shri Jairamdas Doulatram: My honourable friend Mr. Biswanath Das also raised a similar question. May I say that these are questions of the actual contents of the orders? There is no provision in the Bill which says that a person who purchases rice will be punished. The orders are undergoing change from month to month as circumstances require. Orissa for instance today prevents a person from bringing from his own land his own paddy to his village which is probably in another part of the district. All these orders are susceptible of change. I have no objection to the orders being examined and where we find that the orders are working hardly to get the orders changed. But whatever orders are in force

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at a particular moment, so far as the court is concerned its powers will remain as they are. But the orders can be changed.

Babu Ramnarayan Singh: Another question.

Mr. Speaker: Order, order. We are again dwindling into a sort of discussion with question eliciting information. All hypothetical questions of this type can be put endlessly. One can imagine very hard cases in which there will be cruelty by the enforcement of law. The honourable Minister has explained that sufficient discretion can he given to the courts and imprisonment is not compulsory. Let the court look to all the details. The court will decide whatever is just. Even if imprisonment is compulsory I do not see what prevents a court from not awarding only imprisonment till the rising of the court. That is what they may do. Therefore it is more or less a question which will be decided by taking into consideration each individual case. Any questions asking for information on that point will lead us nowhere so far as the substance of the provisions of the Bill are concerned. That is how I think about this and I do not think any questions are really called for.

Shri L. Krishnaswami Bharathi: There is one thing. It will be better if we know something about the working of this Ordinance in the six months. It will help us to know in how many cases there have been actual imprisonments. If the honourable Minister has received reports from the Provincial Governments as regards the working of the Ordinance in the six months it was in force he may enlighten us on this point.

The Honourable Shri Jairamdas Doulatram: I am afraid I have not got these figures from the Provinces in respect of the working of the Ordinance in the last five months. But Members are in touch with their Provinces and I suppose they also know how it has worked. No serious outcry has reached us so far. But in some Provinces there might have been some hardship.

Shri B. L. Sondhi: What about Delhi?

Shri L. Krishnaswami Bharathi: I only wanted information if he could give us.

Mr. Speaker: Even if he gives information it can be construed both ways —if there are more number of cases of imprisonment then it may be said that the oppression is very great, or it can be said that there are not sufficient number of cases. So let us proceed to the substance of the Bill rather than go into these details.

The question is:

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take up the Bill clause by clause. Honourable Members will now get an opportunity of putting further questions, and that will be more regular. I shall first try to clarify the ground and see what amendments are going to be moved. Of course, we have had a sufficient discussion of a general nature and therefore no further arguments are necessary in the matter of these amendments. I will see what are the amendments that are going to be moved.

Pandit Thakur Das Bhargava: I want to move Nos. 10 and 16 in the Consolidated List.

Shri B. K. Sidhva: I wish to move Noe. 6, 7 and 15. The others are consequential amendments.

Mr. Speaker: About consequential amendments he may tell me when we come to those amendments.

Mr. Nazirudin Ahmad: I am not moving any of my amendments.

Shri Prabhu Dayal Himatsingka: It is a small amendment but a necessary amendment and I therefore want to move No. 12.

Mr. Mohd. Tahir (Bihar: Muslim): I want to move Nos. 13 and 23.

Shri Biswanath Das: If the honourable Minister assures me that he will examine the question I do not want to move my amendment.

The Honourable Shri Jairamdas Doulatram: Yes, I will examine it.

Shri Biswanath Das: Then I am not moving it.

Mr. Speaker: There is an amendment by Seth Damoder Swarup.

Srijut Kuladhar Chaliha (Assam: General): It is a verbal amendment for substituting the words " the Indian Union" for the words "His Majesty".

Mr. Speaker: I do not know how far it is permissible legally.

Shri S. V. Krishnamoorthy Rao: I would like to move No. 22.

Mr. Speaker: So the amendments that are proposed to be moved are Nos. 6, 7, 10, 12, 13, 15, 16, 22 and 23 in the Consolidated List.

We shall now take clause 2. Amendment No. 6 standing in the name of Mr. Sidhva.

The Honourable Shri Jairamdas Doulatram: With regard to No. 6, this amendment means that both imprisonment and fine become obligatory.

Mr. Speaker: I may make one thing clear. The honourable Minister may reply at the proper time. Now he may just state which amendment he is going to accept—he may not state the reasons.

The Honourable Shri Jairamdas Doulatram: I am not accepting amendments Nos. 6, 7, 12, 13, 15, and 23. I am prepared to accept Nos. 10, 16 and 22. No. 23 is covered by No. 22, and so I am not accepting it.

Mr. Speaker: The position is that the honourable Minister is inclined to accept Nos. 10, 16 and 22. I take it that he has found the wording all right, but if necessary he will examine and change the wording to suit the language of the Bill.

Amendment No. 6, Mr. Sidhva. Does he object to have a fine of more than Rs. 10,000? I think he better drop the amendment.

Some Honourable Members: He is not willing to move it, Sir.

Shri R. K. Sidhva: All right, Sir.

Mr. Speaker: Very well, what about No. 7? That is about Rs. 10,000.

Shri R. K. Sidhva: No. 7 is harmless. The honourable Minister in his reply stated that he is inclined that the fine should be raised.

The Honourable Shri Jairamdas Doulatram: At present there is no limit to the fine—it can be Rs. 20,000. But your amendment says that it shall not be less than Rs. 10,000. If a poor man commits a breach of law, he cannot be fined less than Rs. 10,000.

Mr. Speaker: The honourable Member does not appear to be keen on moving it. We shall go to the next amendment. Pandit Thakur Das. Bhargava, amendment No. 10.

Pandit Thakur Das Bhargava: Sir, I beg to move:

"That in clause 2 of the Bill, in part (*i*) of the proposed clause (*b*) of the proviso to sub-section (*1*) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted :

'the ends of justice will be met in the opinion of the Court by a sentence of fine only'."

When I submitted my amendments, I thought that it will be better if Section 7 were substituted by this amendment but on reconsideration I found that perhaps it may not be in order. At the same time I do not find any justification for me to attempt to amend the orginal section in this amending Bill. When I consider that I wanted to substitute the imprisonment to two years, I thought that two years is more than enough but after hearing the honourable Minister I am constrained to say that his reasoning seems to be correct and if the punishment is decreased it will have a bad psychological effect. So, I did not move amendment No. 1. But in regard to No. 10 as also in regard to the other amendments, if you permit me I may move them now, because they relate to clause 2. I will now move also No. 16.

Mr. Speaker: Yes.

Pandit Thakur Das Bhargava: Sir, I beg to move:

"That in clause 2 of the Bill, in part (*ii*) of the proposed clause (*b*) of the proviso to sub-section (*1*) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted :

'such direction is not necessary to be made in respect of the whole or as the case may be a part of the property'."

As I submitted during the motion for consideration, in my humble opinion the principle of this Bill is very sound. It gives the court full powers to award fine if it pleases, imprisonment if it pleases, but to start with the court must look to the enormity of the offence if possible in awarding imprisonment, and if this is not possible and if the ends of justice could be met with fine only then the court is armed with this power. I support the principle of this section. Only the wording is made better in these amendments, because these words are very unusual: "unless.....a sentence of fine is adequate and that imprisonment is not called for....."

Similarly, in regard to amendment No. 16, the present words will not convey the meaning as much as the words which I propose to substitute. The words are: "unless.....the direction should not be made....." These words do not lay the proper emphasis. The words "such direction is not necessary", mean that in every case this forfeiture shall happen unless the court finds that it is not necessary to do so. Therefore, the real principle and the real direction which the honourable Minister has in mind will be better implemented by the substitution of these words. Therefore I move these two amendments.

Mr. Speaker: I am consolidating the two and putting them as one amendment.

Amendment moved:

"That in clause 2 of the Bill, in part (*i*) of the proposed clause (*b*) of the proviso to sub-section (*1*) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted :

'the ends of justice will be met in the opinion of the Court by a sentence of fine only'."

and

That in clause 2 of the Bill, in part (*ii*) of the proposed clause (*b*) of the proviso to sub-section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted :

'such direction is not necessary to be made in respect of the whole or as the case may be, a part of the property'."

Shri R. K. Sidhva: Sir, I am rather surprised at the attitude of the honourable Minister in accepting these two amendments. It nullifies the very object of this Bill if these amendments are accepted, more especially after his speech in reply to the debate on the motion for consideration, that he would like to see at least deterrent punishment to be given. He also stated that it would be misunderstood by the Court if the House is going to make any necessary changes. This is a fundamental change. I do not know whether the honourable Minister has realised the effect of this amendment if it is to be accepted.

What does it say? It says that the Magistrate can for certain reasons impose only fine. After all, magistrates are not immune from favouritism. He will merely say that the Legislature desires only fine to be imposed and he would not give any reason before inflicting any kind of punishment. If the original wording stands, he would consider that under the Act he shall have to give detailed reasons why he is not giving imprisonment, and only fine.

Mr. Speaker: Order, order. I might make one point clear. So far as the second amendment is concerned, the words "unless for reasons to be recorded" are retained. They are not deleted.

The Honourable Shri Jairamdas Doulatram: In both of them, these words are retained.

Mr. Speaker: Yes, in both of them they are retained. So the court has to record the reasons.

Pandit Thakur Das Bhargava: And recording means recording in writing. There is no other way.

Shri R. K. Sidhva: But I understand you are removing the words "in writing".

Mr. Speaker: But the honourable Member will see that the court has to "record" and the record can only be in writing. So what it comes to is really a paraphrase put in a better manner.

Pandit Hirday Nath Kunzru (U. P. : General): How will the clause read if the amendment is accepted?

Mr. Speaker: It will read like this:

"sentence any person convicted of such contravention to imprisonment for a term which may extend to three years and may, in addition, impose a sentence of fine unless for reasons to be recorded the ends of justice will be met in the opinion of the Court by a sentence of fine only."

Shri M. Tirumala Rao: What is wrong with the original draft?

Shri Raj Bahadur (United State of Matsya): The words "is of the opinion" vests in a court a sort of discretion which must be there in every circumstance. If we eliminate these words, it would mean that we are divesting the court of this discretion. I think the words "in writing" should also be there. Obviously record need not necessarily mean record in writing. It may mean record in photography, pictures or the like.

Mr. Speaker: The honourable gentleman is spinning too fine. The honourable Minister may examine the wording. I think some inter change of words is necessary. It may be something like this:

"unless for reasons to be recorded the court is of opinion that the ends of justice will be met by fine only."

The Honourable Shri Jairamdas Doulatram: We can change it on those lines.

Shri R. K. Sidhva: The idea is very clear in the original wording. I do not know why the honourable Minister wants to make the change. He must explain to us.

The Honourable Shri Jairamdas Doulatram: Yes, I will explain why I agree to the change. If you will read the language of the original, you will find first of all that the words "in writing" are superfluous. When a thing has to be recorded it cannot be recorded verbally; it has to be recorded in writing. This was a mistake in drafting which was pointed out. With regard to the other portion, the wording in the original was "the court is of opinion that in the circumstances of the case a sentence of fine is adequate and that imprisonment is not called for". This was a repetition of the same idea. When a fine is adequate, obviously it means that a sentence of imprisonment would be excessive. It was pointed out that this was a repetition of the same thing and does not carry the thing further, so the amendment as it has been proposed is in a better legal form. "The ends of justice will be met" is the common expression which we use in judicial terminology. The original was prepared in the Department and since it was not quite so legalistic as the proposal made by Pandit Bhargava, I agreed to accept it. It makes absolutely no difference in substance. He has to record the reasons and he has to see that the ends of justice will be met by fine only.

Shri R. K. Sidhva: When you say that it shall be only fine, it makes a material change. It is not only the phraseology.

Mr. Speaker: I should not argue the matter on the merits with the honourable Member, but as a lawyer I think that it makes no change whatever and perhaps the alteration as suggested will make better reading. So, if the honourable Minister agrees, I would suggest that the clause may read as follows:

"unless for reasons to be recorded it is of opinion that a sentence of fine only will meet the ends of justice."

I think that makes very happy reading.

The Honourable Shri Jairamdas Doulatram: Yes, Sir. I accept it.

Shri R. K. Sidhva: With due deference to you, Sir, I would like to be enlightened. From a lawyer's point of view you said and I would not certainly contend it, but when you say that it makes no difference, I want to point out how it makes a difference. The original says:

"unless it is of opinion in the circumstances of the case that a sentence of fine only is adequate and imprisonment is not called for."

Now, Sir, the mention of the words "imprisonment is not called for" is very important. The court has to record reasons why imprisonment is not called for. If you ask these words to be deleted, and merely say that only fine will meet the ends of justice, he will not give the reasons for not awarding imprisonment. So I submit the original is more appropriate.

Mr. Speaker: The honourable Member will see that restricting the punishment to fine only is the same thing as not awarding imprisonment. The reasons for both are identical. Therefore, that ground is more widely covered, particularly in view of equitable considerations of each case, if this expression that "a sentence of fine only will meet the ends of justice" is used. I think this is a happy wording.

The Honourable Shri Jairamdas Doulatram: Yes, Sir. I agree.

Mr. Speaker: So, that was one part and the second part would be—instead of "record in writing" "record" will be substituted—this is how it will read:

"direct that any property in respect of which the order has been contravened shall be forfeited to His Majesty, unless for reasons to be recorded such direction is not necessary to be made in respect of the whole or as the case may be a part of the property."

Pandit Hirday Nath Kunzru: I think the words "it is of opinion" has to be inserted here. It has to be vetted in certain words.

Mr. Speaker: Yes. I think it will be better to say:

"unless for reasons to be recorded it is of opinion that such direction is not necessary to be made in respect of the whole, or, as the case may be, a part of the property."

Does the honourable Minister accept?

The Honourable Shri Jairamdas Doulatram: Yes, Sir.

Mr. Speaker. I will put these two amendments in the amended form.

The question is:

"That in clause 2 of the Bill, in part (*i*) of the proposed clause (*b*) of the proviso to sub-section (*1*) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

'it is of opinion that a sentence of fine only will meet the ends of justice, and'."

The motion was adopted.

Mr. Speaker: The question is:

"That in clause 2 of the Bill, in part (*ii*) of the proposed clause (*b*) of the proviso to sub-section (*1*) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

'it is of opinion that such direction is not necessary to be made in respect of the whole, or, as the case may be, a part of the property'."

The motion was adopted.

Shri Prabhu Dayal Himatsingka: Sir, I move:

"That in clause 2 of the Bill, in part (*ii*) of the proposed clause (*b*) of the proviso to sub-section (*1*) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, between the words 'contravened' and 'shall', the words 'or a part thereof' be inserted."

Sir, this is a small and consequential amendment, I should think. The section as it is reads as follows:

"direct that any property in respect of which the order has been contravened shall be forfeited to His Majesty unless for reasons to be recorded it is of opinion that such a direction is not necessary to be made in respect of the whole or as the case may be of a part of the property."

[*At this stage Mr. Speaker vacated the Chair which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).*]

[Shri Prabhu Dayal Himatsingka]

My amendment seeks to add the words "or a part thereof". If the amendment is accepted.....

The Honourable Shri Jairamdas Doulatram: I accept that amendment, Sir.

Mr. Deputy-Speaker: Then, I will put the amendment.

The question is:

"That in clause 2 of the Bill, in part (*ii*) of the proposed clause (*b*) of the proviso to sub-section (*1*) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, between the words 'contravened' and 'shall', the words 'or a part thereof' be inserted."

The motion was adopted.

Shri R. K. Sidhva: Sir, I shall move amendment No. 18.

Mr. Mohd. Tahir: Sir.....

Mr. Deputy-Speaker: Mr. Tahir also wants to move. His name stands first. He will move.

Mr. Mohd. Tahir: Sir, I beg to move:

"That in clause 2 of the Bill, in part (*ii*) of the proposed clause (*b*) of the proviso to sub-section (*1*) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for the words 'His Majesty', the words 'Government of India' be substituted"

Mr. Nasiruddin Ahmad: A similar amendment moved by me sometime ago was rejected.

Pandit Thakur Das Bhargava: This amendment was rejected in another Bill and the words "His Majesty" were retained.

The Honourable Shri Jairamdas Doulatram: I am not accepting the amendment; I shall give the reasons.

Mr. Deputy-Speaker: It is not likely to be accepted; why should it be pressed?

Mr. Mohd. Tahir: I wish to move it, Sir. This amendment of mine is more of a constitutional nature than a legal one. The clause as it exists at present, if accepted, will surely mean that the proprietory right of India still vests in the King of England, which position I am not prepared to accept. It is a different matter that we may have some friendly or economic relationship with the King of England. But, it does not mean that the proprietory right of our country should vest with His Majesty. Therefore, I press my amendment, Sir.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 2 of the Bill, in part (*ii*) of the proposed clause (*b*) of the proviso to sub-section (*1*) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for the words 'His Majesty', the words 'Government of India' be substituted."

The Honourable Shri Jairamdas Doulatram: Sir, I agree with the principle of the amendment. But, for certain legalistic and technical objections, I cannot accept it. As the House is aware, the words "His Majesty" are contained in the Government of India Act in more than one place. The words "His Majesty" occur because at present the constitutional relationship has not changed. We are still within the Commonwealth. Even if this amendment is accepted, in section 16 of this very Act, the word "Crown" will still be there. The fact is, even if the words "His Majesty" remain there, the owner of the property would be the Provincial Government. But if the amendment

is accepted, the owner of the property will be the Government of India and not the provincial government. Whereas under the Act, all the fines would automatically go to the provincial government, by accepting this amendment, all the forfeited property will go to the Government of India. It is because of these technical difficulties that I am not accepting the amendment, though I accept the principle of it. The words occur in numerous Statutes and they will have to be removed one day and we will come forward with an amendment then.

Shri R. K. Sidhva: I want to speak, Sir.

Mr. Deputy-Speaker: Not necessary. This point has been brought up when almost every Bill comes up. Why should we spend more time on this?

Shri R. K. Sidhva: I want to say that this has been accepted in one Bill.

Mr. Deputy-Speaker: No, I will put the question straightaway.

Mr. Mohd. Tahir: One point of information, Sir.

Mr. Deputy-Speaker: No more information, please.

The question is:

"That in clause 2 of the Bill, in part (*ii*) of the proposed clause (*b*) of the proviso to sub-section (*1*) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for the words 'His Majesty', the words 'Government of India' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: I will put clause 2.

The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Shri S. V. Krishnamoorthy Rao: Sir, I beg to move:

"That in clause 3 of the Bill, for the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946 the following be substituted:

'Provided that the Court trying an offence under this Act may exempt any such package, covering or receptacle or any such animal, vehicle, vessel or any other conveyance from being forfeited to the Government of India if it is proved that the owner thereof had no knowledge that the offence was being or was to be or was likely to be committed'."

Sir, as the proviso now stands, the burden of proof is put on the prosecution to show that the owner had knowledge that the vehicle was or was likely to be used for the commission of the offence. When the substantive offence is proved under clause 7, I submit that the burden of proof should be on the owner to show that he had no knowledge, because in many of these cases, it is only the driver or the person who drives the cart that is punished.

Mr. Deputy-Speaker: I think the honourable Minister accepts the amendment. The amendment speaks for itself.

Mr. Nazirudin Ahmad: Here a small amendment is necessary, Sir. In this case he says "being forfeited to the Government of India" and I think it should be "forfeited to His Majesty", if we are to keep up to the usual form.

4 P.M.

If we have to reject Mr. Mohd. Tahir's amendment, I think we should introduce the words "His Majesty".

Shri S. V. Krishnamoorthy Rao: I accept that amendment.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 3 of the Bill, for the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, the following be substituted :

'Provided that the Court trying an offence under this Act may exempt any such package, covering or receptacle or any such animal, vehicle, vessel or any other conveyance from being forfeited to His Majesty if it is proved that the owner thereof had no knowledge that the offence was being or was to be or was likely to be committed'."

Pandit Thakur Das Bhargava: Sir, the original section says: "The court shall declare that a person had a particular knowledge before it forfeits certain properties, receptacles etc." My honourable friend on the contrary wants that as soon as there is a conviction, the very fact of conviction is sufficient to bring home to the owner of that vehicle or animal that he bimself is also guilty of the charge.

Shri S. V. Krishnamoorthy Rao: I am sorry, it is a rebuttable presumption. It does not mean that the owner is guilty of the charge.

Pandit Thakur Das Bhargava: Only my honourable friend has been kind enough to the owner in this respect that he gives him an opportunity to prove to the contrary. In all criminal cases the burden is always on the prosecution and I do not see why we should make an exception in this case. The honourable Minister wanted in his Bill that the burden should be on the prosecution and my honourable friend has come to his help and wants to say that the burden should be laid on the owner. He is in fact out-heroding Herod. My bumble submission is that in all these offences relating to emergencies this bas been the tendency and I have been always fighting against this tendency. If you will kindly see section 8 of the original Act, the words are:

"Any person who attempts to contravene or abets the contravention of any order made under section 3 shall be deemed to have contravened the order."

If the owner is in league with the person who is smuggling he is an abettor under section 8 and if the thing is proved against him, he will be punished like the principle and then, if the idea is that the owner is to be punished, be ought to be punished in person rather than in his property. If the case cannot be brought home to him, then he is quite innocent under the law.

It may happen that the owner who owns ten lorries is in Calcutta and he just pays a man who looks after. One lorry is being plied in Delhi and another in Muzzafarnagar and a third in Saharanpur. That man does not know what tbe driver is doing. In all criminal cases there can be no offence by agency It is an accepted principle that if a driver or even his agent does intend to do something wrong then those persons are themselves liable and not the owner and it must be proved that the owner knew certain things before his property can be forfeited. This is the usual criminal law of this country and I do not know what is at the back of my honourable friend's mind. As a matter of fact when a person hires a lorry, the driver also does not necessarily know the purpose of the hiring unless he accepts a part of the profit, then only it can happen that a driver can also be implicated, but to speak of the owner who may not be present there, he cannot be prosecuted. If it can be proved tbat the owner knew, then be can be prosecuted, under section 8. No case bas been made out for changing the burden of proof and putting it on the accused, which is, I should say, a very exceptional thing in criminal cases.

Shri Prabhu Dayal Himatsingka: Sir, I beg to oppose this amendment. It is a novel thing that we are proceeding with here. It should be the duty of the Legislature to protect the interest of the subject and in the present days

ie powers of the Executive are more than what they were under the Defence f India Act. It is the duty of the Legislature to see that such powers are ot extended but rather kept within certain limits.

As my honourable friend, Pandit Thakur Das Bhargava has said, it will e a novel procedure of criminal jurisprudence to punish an owner or rather throw the burden of proving his innocence on him instead of throwing the urden on the prosecution. I request the honourable Minister to think as to vhat extent he is going to by accepting this amendment. It may be very easy for im to have certain convictions, but this will lead to various complications. Of ourse, the trains all belong to the State now; otherwise, the honourable Minister for Railways will be deprived of his wagons every day. We do not now what is in contravention of certain laws and what is not, and all these hings will have to be forfeited.

It is a very dangerous thing and I do hope that the honourable Minister will apply his mind and not simply accept an amendment like this.

Mr. Nazirudding Ahmad: I wish to support the amendment.

Mr. Deputy-Speaker: Some have supported and others have opposed it. I think the original itself is all right. Let us hear the honourable Minister.

The Honourable Shri Jairamdas Doulatram: I think we are unnecessarily debating this matter. I find that the amendment is placing too much responsibility of proof on the owner. Therefore, I am not accepting the amendment. I will accept the original wording.

Shri S. V. Krishnamoorthy Rao: Sir, I beg leave of the House to withdraw my amendment

Mr. Deputy-Speaker: Has the honourable Member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Mr. Mohd. Tahir. Sir, I beg to move:

"That in clause 3 of the Bill, in the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'knew', the words 'or had reasons to know' be inserted."

I hope that the honourable Minister in charge will duly consider this amendment and will accept it, because it will remove the difficulties that have been felt by several of our friends such as Pandit Thakur Das Bhargava. Supposing, for instance a lorry is plying at Delhi and the owner is at Calcutta. How is to be proved that the owner was in the knowledge of the offence that was committed in Delhi? Sir, knowledge is a mental condition and unless it is supported by circumstances and reasons, it is very difficult to prove that the man really had the knowledge and unless it is supported by circumstances and reasons the offence cannot be proved. Therefore, it is but necessary that this amendment should be accepted. If it is accepted, Sir, then the provision in the Bill will read as follows:

"Provided that no Court trying an offence under this Act shall declare any such package, covering, or receptacle or any such animal, vehicle, vessel or other conveyance forfeited to His Majesty, unless it is proved that the owner thereof knew or had reasons to know that the offence was being, or was to be or was likely to be, committed."

I, therefore, think that this amendment is reasonable and should be accepted.

Mr. Deputy-Speaker: Does the honourable Minister accept the amendment?

The Honourable Shri Jairamdas Doulatram: No, Sir.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 3 of the Bill, in the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'knew', the words 'or had reasons to know' be inserted."

Mr. Naziruddin Ahmad: I beg to support this amendment. The proviso as it stands, makes it possible to forfeit the property only on one condition that the Court is satisfied that the owner actually knew that the offence was being or was about to be committed. From a practical point of view it would be impossible while trying the accused to get evidence that the owner (a third person) knew that the offence was being committed. I submit that, at the trial, the owner is a third person in so far as the offence is committed by the drivers and others. I submit that if this condition is to be proved it would be as good as deleting the proviso altogether. The only object of the proviso is to drag in the owner, the real person who carries on the illicit trade with the knowledge or approval of others who are only scape goats. In the Motor Vehicles Act we have provision for awarding punishment to the owner in case the driver commits an offence. If a similar provision is not there in this Act you will let the real black-marketer escape and punish his dupes and intermediaries. If you want to tighten the proviso these words are necessary. Without these words the proviso will be of no use. The amendment of Shri Krishnamoorthy Rao also would strengthen the proviso. In these circumstances, the amendment should be accepted.

Pandit Thakur Das Bhargava: The object of the mover of this amendment is to make the hold on the owner more secure. After hearing Mr. Naziruddin Ahmad I realise that what he wants is that if a person is neglectful and does not properly instruct his agent, he should be punished for his negligence. He wants that the owner should be punished for not giving proper instructions. Now, what do these words 'or had reasons to believe' indicate? The principle of criminal jurisprudence is that unless a man is proved to be guilty he should be considered innocent. The Evidence Act also lays down that if there are very good grounds for a court to believe that a person knew, even without actual proof to that effect, it shall hold that he knew. If you put in these words 'or had reasons to know' even in the absence of good proof, a person could be found guilty. I submit that according to the true principles of criminal jurisprudence for a person being held guilty it is absolutely necessary that the guilt should be proved against him. 'Had reasons to know' is a weaker expression than the question of knowledge. We are providing for imprisonment and for forfeiture of property if it is proved that the person who owned the property knew true fact.

If my friend fears that the drivers, etc., will not be prosecuted, there is no ground for it. As I just read out from Section 8, they are guilty of abetment. Similarly, if the owner knew he will be guilty of abetment and all his property mentioned in the clause will be forfeited. Only in cases where it is actually proved that he actually did not know or had some suspicion but not enough suspicion, he will be allowed to go scot-free. I do not know what the Member wants when he says that we should further strengthen the law. It is not by strengthening the stranglehold that we will make a law successful. The conditions necessary for the success of the measure have already been indicated by the honourable Member who spoke earlier. I, therefore, oppose this amendment.

The Honourable Shri Jairamdas Doulatram: I oppose the amendment. The courts will have to infer from the circumstances the knowledge of the owner and take action

Mr. Deputy-Speaker: The question is:

"That in clause 3 of the Bill, in the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'knew', the words 'or had reasons to know' be inserted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jairamdas Doulatram: Sir, I move

"That the Bill, as amended be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri M. Tirumala Rao: Sir, I do not want to take up much time of the House. The Government have asked for drastic powers in this Bill and they have got them. But we must draw attention to the responsibility which lies on their shoulders as to how the various sections of the public and also the Government themselves have failed to effectively control black-marketing and also the various leakages that have been there from the very beginning with regard to food administration. It is not enough if the people are asked to have a moral conscience. You must also be careful about the moral conduct of the army of officers administering rationing and control throughout India. I may tell you of smuggling going on in my own part of the country. It goes on systematically in train between Thadepalliguden and Vizagapatam, a distance of 160 miles. Every day 150 half-bags of rice are carried openly by smugglers. It comes to 23 tons of rice. This goes from a surplus district to a deficit district. Nobody can check them. Nobody will control them. It is a daily business going on with the fullest co-operation of the police and the railway officials It is only the railways that can transport such huge quantity. If you want to control this smuggling and transport you will have to take effective action under this Act against the railway officials.

Again, roundabout Bezwada there are hundreds of people coming everyday with small quantities of rice to the city and earning three or four rupees a day. It is a regular profession of some 400 people. The same thing is happening in the Madras city. I do not blame the people carrying on this business.

Another thing is that there are very many big people involved in smuggling. In the District of Guntur, a man practising the so-called learned profession, owning five or six lorries, regularly carries on this business between 8 P.M. and 5 A.M. His lorries laden with rice from surplus area go to deficit areas and the rice is sold there at black-market rates. The district officers and the police officers know this. They are friends of this person and they meet in the Officers' Club. This is happening with regard to particular classes. You know, Sir, that two lorry-loads of yarn were sent out from a mill belonging to a gentleman who is considered to be a very big philanthropist, a multi-millionaire and a

[Shri M. Tirumala Rao]

favourite of Government. He was caught redhanded but the police would not take the case to court. You are arming the magistrates with power but they must see that the big fish are caught and properly dealt with. It is not enough to have drastic powers in your statute-book; it requires a vigilant Government and a little moral conscience on the part of the people to make the provisions of this law successful. Government have undertaken to feed the people; my honourable friend Shrimati Ammu Swaminadhan was not able to catch the Speaker's eye, otherwise she could have said something about this. Today I could not get rice. Yesterday I sent my servant with a ration card; he told me there was no rice but there was enough of it in the black-market. Either we have to starve or get rice from unauthorised people in the black-market. These unauthorised sales are going on under the very nose of the Government of India, and I therefore request Government to see that the provisions of this Bill are properly worked until our difficulties are tided over.

Shrimati Ammu Swaminadhan (Madras: General): Sir, there are just one or two things that I want to say so that the honourable the Food Minister may try to make things better. Firstly, it is not enough to have all kinds of Ordinances and laws but Government should be more vigilant and see that these powers are properly exercised. My honourable friend Shri Tirumala Rao said just now that today in Delhi under the very nose of the Government of India you can get as much rice as you want; it is not called black-market rice but 'uncontrolled rice'. I did not know that there was any rice which was 'uncontrolled' but my servants tell me that whenever we cannot get rice in the ration shops we can get this 'uncontrolled' rice. I personally do not buy it because I do not want to encourage black-marketing but if this happens in Delhi how can you control it in far-away villages? It is no use blaming the officials in the villages; surely the Government of India should see that in Delhi itself these things do not happen. You can get charcoal, rice, *atta* and everything else in the black-market, only the poor people who cannot afford to pay black-market prices cannot get anything. And who are the people who are punished? It is always the poor man or woman who buys in small quantities to save their children from starvation. Recently, as a jail visitor, I went to the Vellore Women's Jail and I found that more than half the women prisoners there were those who were punished for buying or selling in the black-market. And how much rice were they buying or selling? They said it was a small quantity in each case. While rich people go scot-free and get all that they want it is the poor who are punished because they buy in the black-market out of sheer necessity to save their children from starvation. It is time Government saw that the proper people are punished and the black-market business is stopped for ever, instead of punishing one or two poor men and women. As long as the rich people go scot-free and can get all that they want this black-market is not going to stop. In the pavements of Delhi you can buy anything you want. If you cannot stop it here you cannot stop it in other parts of the country.

Sir, I support this Bill and hope that its provisions will be properly applied and not allowed to remain a dead letter.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

PAYMENT OF TAXES (TRANSFER OF PROPERTY) BILL

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to move:

"That the Bill to make provision for the payment of taxes before transfers of property are recognised in certain cases, as reported by the Select Committee, be taken into consideration."

All that I want to do at this stage is to sum up very briefly the more important changes which have been made by the Select Committee in the original Bill. The main purpose of the changes that the Select Committee has made has been—if I may say so—to tone down the rigour and to narrow the scope of the original measure. The first change is that the Bill now operates only in respect of immovable property. The original Bill, as the House will remember, applied also to movable property with the exception of stocks, shares and securities. Secondly the Bill now applies only to transferors who are either evacuees or who are intending to leave the country to settle outside the country in the opinion of the Income-tax Officer, Custodian of Evacuee Property or the Collector. Originally, as the House will remember practically every transfer had to obtain a tax clearance certificate before a registration authority would register the document. Thirdly, in regard to taxes the operation of the Bill will be confined to transfers of immovable property which have been irregularly made and only with effect from the date on which the Ordinance came into operation, and not retrospectively from 15th August 1947 as in the original Bill. The fourth change is that there is provision made for appeal from the orders of the Income-tax Officer to the Commissioner of Income-tax. One other change that has been made by the Select Committee is to provide that any proceedings under the Ordinance would continue even after the expiry of the Ordinance.

These are the changes which have been made by the Select Committee. There is one statement in the Select Committee's report to which I should like to invite the attention of the House; it is in the second sub-paragraph of paragraph 2:

"In this connection some of us feel that a provision corresponding to section 44G of the Pakistan Income-tax Act requiring a tax-clearing certificate from every non-national leaving the country should be introduced into our law with immediate effect."

The Committee considered that it would not be suitable to put a provision of that kind into this Bill and so they suggested that separate provision should be made for it. This has been done in the Income-tax Amendment Bill which is now before the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to make provision for the payment of taxes before transfers of property are recognised in certain cases, as reported by the Select Committee, be taken into consideration."

Kazi Syed Karimuddin (C. P. and Berar: Muslim): Sir, I move:

"That the Bill as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon by the 1st June, 1949."

It is recorded in the debate when this Bill was sent to Select Committee that the Honourable Mr. Neogy had stated that he had agreed to withdraw this Bill.

Shri R. K. Sidhva (C. P. and Berar: General): That is an old story.

Kazi Syed Karimuddin: Although an old story, it has to be repeated here to show that there is no foundation why this Bill should be brought before the

[Kazi Syed Karimuddin]

House. The reasons were not given by him and the only thing stated by him was.....

Mr. Deputy-Speaker: As I understand the position, the scope of the Bill is what has been agreed upon after its reference to Select Committee. I am sure this point must have been urged before reference to Select Committee and this point cannot be urged now unless there are certain things which the Select Committee have substantially changed. I think the honourable Member is basing his argument on the assurance that is supposed to have been given by the then Finance Minister that he would not press the Bill. But I am afraid that it is out of date.

The Honourable Shri K. C. Neogy (Minister of Commerce): That could not bar the progress of any measure for all time. I could not have meant that for all time to come no such legislation could be brought before the House.

Mr. Deputy-Speaker: The motion for circulation ought not to be a dilatory motion. If the honourable Member has any other substantial ground he may put it forward.

Kazi Syed Karimuddin: It was stated by Mr. Neogy that he had agreed to drop the Bill and no reasons were assigned.

Mr. Deputy-Speaker: It is exactly on that point that exception has been taken.

Kazi Syed Karimuddin: Sir, the honourable the Finance Minister in his speech today has stated that the Bill is now only applicable to those who want to leave this country and settle outside India. According to the statement of objects and reasons, the object of the Bill is to safeguard the loss of revenue in the case of persons who dispose of their properties with the intention of leaving India and settling somewhere else. But in the provisions of the original Bill there was no such mention. The provisions as they stood then, before the Bill was sent to Select Committee, contained no mention of the scope and the application of the provisions of this Bill being applicable to those who leave this country or who intend to leave or who want to settle down outside India. Therefore if the Select Committee has taken away the provisions of Clause 2 and has made it applicable only to those persons who intend to leave this country, then I submit that this is a substantial change, and this change was not authorised when the Bill was referred to the Select Committee. Consequently, it is necessary that the Bill should be circulated for public opinion. Because of the grievances made by several Members of the House that it was not working properly in the case of the majority community or in the case of those who were not leaving the country, the Select Committee reported that it should be only made applicable to those persons who were going to Pakistan or leaving India to settle down there.

Now there is another Bill which is before the House dealing with the rush of people coming from Pakistan. Now if the provisions of this Bill are accepted, the result will be that every Muslim who wants to dispose of his property here will be suspected by the Custodian or the Income-tax Officer or the Collector, and the result will be that in the case of every Muslim in this country who had no intention to go and settle down outside India, he will be a suspect and in his case a certificate will be necessary. Therefore, I contend that the honourable the Finance Minister has not looked to the grievances of those against whom this worked a hardship and these provisions have been made applicable to a particular community and as income-tax rules today are, the harassment will be very great; the corruption will be very great and it will be very difficult to get certificates from the Income-tax Officer.

Sir, the Custodian and the Collector are not given any special grounds on the basis of which they should make a report or issue a certificate that a man is leaving the country. It only depends on their sweet will and how they think of a particular person. The result is that as soon as a Muslim wants to alienate his property in this country, it will be presumed that he is leaving this country and a certificate will be necessary as prescribed in Section 3 of this Bill. Therefore, even in the case of those who want to dispose of their property, there should not have been any provision regarding a certificate issued by the Collector, the Income-tax Officer or Custodian. If, according to the provisions of section 4 you apply them to the Muslims of this country, it would be impossible for them to alienate their property even in case they do not want to leave the country but want to be here.

Therefore, the application of this Bill to a particular community will be to the detriment of that community and there is no justification for it because according to the Government people are coming from Pakistan to this country and very few people are going there from here. This Bill is the result of a similar Ordinance which Pakistan issued and my submission is that for a few people who are likely to come to India, such a sweeping Bill, affecting every Muslim in this country, should not have been brought forward.

Mr. Deputy-Speaker: Amendment moved.

"That the Bill as reported by the Select Committee be circulated for the purpose of eliciting opinion thereon by the 1st June, 1949."

Pandit Thakur Das Bhargava (East Punjab: General): This is a dilatory motion according to our rules. When a Bill emerges back from the Select Committee, if at that time a motion of this character is made it is a dilatory motion and unless there is a good ground given by the mover, the Chair is authorised not to allow this motion.

No ground has been given by the honourable the Mover of this motion. On the contrary the grounds that have been given are such as would stand in the way of a motion like this. He has read out to you from the objects of the original Bill that it was meant to safeguard the loss of revenue in the case of persons who dispose of their properties with the intention of leaving India. At the time of the consideration of the Bill, opinion was expressed in this House by many Members, including myself, that this Bill went beyond the scope of the objects mentioned in this Bill. Therefore when the matter was sent to the Select Committee it was just and proper that this Bill should have been amended in the manner it has come from the Select Committee. At this stage I will be guilty of want of gratitude to the honourable the Finance Minister if I do not submit to the House in what manner this objection was accepted by him.

Sir, it is unfortunate that those in charge of the Income-tax Department do not behave rightly towards the people of this country. As a matter of fact the income-tax department is an earning department. We want it to prosper. What will happen to the nation-building activities if those who have to pay evade payment. I admit therefore that every person who should pay should pay to the income-tax department what is due from him. If the income-tax department does its duty well I am sure they will earn twice the income they are earning today. At the same time it is no part of the duty of the income-tax people, that when they get an opportunity, to enact laws they should mulct the people in an illegal way. The object of the Bill was only to get revenue from those who wanted to go away from this country, if they had to pay tax. That was a laudable object. But with this handle they brought about a Bill by which every person was debarred from alienating his property, unless he paid his tax. By what they were doing perhaps they did not realise they were dislocating all business. People would not be allowed to transfer

[Pandit Thakur Das Bhargava]

their properties and get money. At the same time the price of properties was depreciated. As a matter of fact it was our national government that sought to do it. If the previous government had done a thing like this there would have been such a hue and cry that the Government would have come to know that the effect of the Bill was to their cost. When it came before the Select Committee the honourable Finance Minister stuck to his guns and told the income-tax people that this was not the manner in which they should be allowed to get more money. I congratulate him on that score. I further wish that the spirit of the honourable Finance Minister would imbue the income-tax department as well and they will become real servants of the people. We would then give them all our good will and wish them prosperity and expect them to behave towards the people of the country as their servants. The people on the other hand would consider them as their protectors who take from them their legitimate dues and do not try to extort money from them in an illegal manner, which is the complaint which my friend has made. Is the complaint right? He wants the Bill to be re-circulated even though the right thing has been done. I submit that he has made out no case for re-circulation to elicit public opinion.

My friend has made the complaint that this will act as a hardship towards the Muslim community. As a matter of fact so far as the Muslim community is concerned the Bill does not speak of the community at all but speaks of persons who want to go away and settle elsewhere. It is true that in fact it will apply to those people who want to go away and Hindus are not likely to go away. But what about Christians and Parsis who may want to go elsewhere and the Bill may also apply to people in other parts of the country. It is not discriminatory at all and it cannot apply to any Muhammadan who does not want to leave the country. If a Muslim stays here he is as much protected by the law as at present obtaining in India as any Hindu or any other person. I have not been able to understand how this Bill will create suspicion in the minds of Muslims who do not want to leave the country. My friend has drawn much more on his imagination than on actual facts.

My friend says that very few people are going and if that is so it will apply to very few people and where is the complaint then? On all these grounds this is a dilatory motion and should not be allowed to be made and should be over-ruled. If my friend persists in the motion the House will be well advised in throwing it out.

Mr. Deputy-Speaker: Is it necessary that we should have an elaborate discussion at this stage on the Bill?

Shri T. T. Krishnamachari (Madras: General): Sir, there are one or two matters on which I would like to speak, considering the fact that I spoke at length at the time this Bill was referred to a Select Committee and the fact that some heat was generated at that time because some honourable members found fault with the manner in which the ordinance is being administered. I am not a *persona grata* with the honourable Finance Minister as I believe he thinks that some of us are even beneath contempt. Nevertheless I think it is only fair for me to acknowledge that the Finance Minister was good enough to see the mistakes committed by his department and therefore co-operated with the members of the Select Committee in amending the Bill in such a manner that the abuses to which it lent itself have been now abrogated. This fact in itself evokes a note of warning which it would be well to take note of. I do not know if the members of the House are aware that several provincial governments had protested when the ordinance which this Bill seeks to confirm, in part at any date, was made applicable to some of the provinces, where the need for the application of the ordinance was not very great. I know for a fact that the Madras Government protested and the protest of course was not heeded. In the meantime the whole machinery of registration of

documents relating to urban property was brought to a standstill and there were many questions in the Madras Assembly as to what action the Madras Government had taken in the matter. Even now people are not aware that the ordinance has lapsed and this Bill which is to replace the ordinance is one which would not affect normal transfer of property in this country but would only affect those persons who dispose of their properties with the intention of leaving India and settling down elsewhere.

I have been asked by several people while I was in Madras whether the ordinance was still in force. The point is that when a measure of this sort is brought to replace the measure that has lapsed the inconvenience caused by the previous one still continues, because the Government have not gone a step further and publicised the fact that the amended measure would affect a limited class of persons and not all those whom the original measure affected. I would like to convey this particular request to the Government; that having seen as they have done in this particular case the evil of hasty legislation, whether by means of bringing a legislation proposal before the House and getting it passed or by means of using the emergency powers which they have in their hands,—having demonstrably seen the evils arising out of such measures—they should hesitate before bringing forward measures of this sort. Even before this particular measure was taken up the other Bill that was being discussed in the House this morning one observed that it has a painful feature of our day-to-day work, that the Government often comes forward with measures before the House which are rather sweeping in character, which had not been examined by their legal department, on which the collective wisdom of the Cabinet as a whole had not been brought to bear and on which the opinion of the provincial governments had not been ascertained and nevertheless people are exposed to risks resulting out of the hasty legislation merely because some Minister wants that in order that he should not be behind hand in regard to enforcement of a particular type of control he should have powers adequate or probably more than what is necessary.

I would make this request to Government that they take to heart the lesson of this particular ordinance and the Bill which seeks to replace it and see that in future no measure is brought before the House or is enacted by means of an ordinance, unless it is scanned and looked into by proper authorities and they should see that the department concerned should not exercise such powers as exceed the original intentions behind the measure. The honourable Finance Minister was good enough to admit that his department had more or less used these powers against people whom it was not originally intended to harass. What is the compensation to these people who have been put to loss, by way of delay in the transfers of property and the resultant loss in income and various other harassments, merely because some minion of Government, had misused those powers which were intended for a totally different purpose. I think in any other country where the laws are of such a nature as afford a remedy against Government, the public would have obtained that remedy by going to a court of law. But here we in this country accustomed as we are to centuries of oppression under foreign rule, accept anything that the Government does, right or wrong, the practice of dumb servility prevents our asserting our rights even under a popular Government. It is a popular government which has used the power (which the former government had often made use of) with a nonchalance. That is amazing without any consideration for the people or even enjoining their officers to see that the ordinance is not misused.

While I will oppose the motion made by my honourable friend Mr. Karimuddin I think that he has got a perfect right to feel that this measure operates against a particular community. I am afraid it is. The Hindu community

[Shri T. T. Krishnamachari]

in Pakistan will be affected by a similar measure there but that is merely because of the circumstances of the case. While, I perfectly sympathise with him I am afraid there is no way out of it. I think the Select Committee with the aid of the Chairman have made adequate provision to see that no person who is normally not likely to leave the country is affected which is all that could be done under the circumstances. Such care as we can take consistent with our own powers of imagining contingencies as will arise has been taken in this measure and I do hope that the honourable Finance Minister will give an assurance that he will ask the department to be very very careful and make use of the measure only in cases where the loss of revenue to government is reasonably large and not where it is a matter of few hundreds or thousands of rupees, so that people may be saved from harassment, even though it means a small loss of revenue to the Government. Subject to this I oppose the motion made by my honourable friend Kazi Karimuddin and support the original motion.

Mr. Nazimuddin Ahmad (West Bengal: Muslim): Sir, I beg to point out that although the difficulties are alleged now to have been removed, the difficulties as a matter of fact remain in the Bill as before. The trouble pointed out by many honourable Members in the House was that the operation of the Bill would not be confined to those who are trying to leave or who have left in order to evade Income-tax, but it would affect all and therefore it was sent to the Select Committee to cure those provisions. I will try to show that whatever may be the pious opinions expressed as to the removal of these difficulties the situation remains absolutely unchanged. If honourable Members look at clause 2—I shall not read it but give only the gist—it is said that this Act shall apply to those who on account of civil disturbances or other reasons leave or have left, or who in the opinion of the Income-tax officer or the Custodian of Evacuee Property have transferred their properties. Clause 2 which defines the purposes of this Act is absolutely clear.

Then comes the operative part, namely clause 3. Has the clear definition of the purpose in clause 2 been kept absolutely clear in clause 3? It is said that if a man 'to whom this Act applies' presents a deed for registration about his immovable properties then it should not be registered unless there is a certificate of a proper authority. The question is so far as the registering officer is concerned what does this expression "to whom this Act applies" really convey? In clause 2 it is said that this Act applies to certain persons. That is clear. But that is 'in the opinion of the Income-tax officer or the Custodian of Evacuee Property or the Collector'. But the persons who form the opinion are not the registration officer but some other person. Therefore the expression "to whom this Act applies" will not be clear at all or be self-explanatory to the registering officer. A man comes to a registering officer to have his document registered. It may be thought that if he is a man "to whom the Act applies", then of course the document should not be registered and the document will be refused unless the proper certificate of payment of Income-tax and other dues is produced. But how would a registering officer find out whether the transferer is a person to whom this Act applies? Although there has been an attempt to define the position in clause 2, so far as the operative part, namely clause 3 is concerned this definition has not been carried into effect. It may be clear to the Income-tax officer that a man owes something. It may be clear to the Custodian of Evacuee Property or the Collector that the man is leaving, he owes some Income-tax and other dues and that he has not paid them. But to a registering officer nothing would be known. It will be impossible for him to know that the man is leaving or that any tax is due from him or that the Act would apply to him. So far as he is concerned he

will think—"here is a man who is trying to register a document" and he will ask him: "Are you a person to whom this Act applies?" He will say 'No.' The registering officer will then say 'I do not take the responsibility, you better get the certificate'. So the position is even now exactly where it was. Although the Select Committee has attempted to clear the position, so far as the operative part of the Bill is concerned, the position is not at all clear.

I have an amendment which would be placed at the proper time. But I would ask the honourable Minister and the Members to consider the point that the hardship consists in the registering officer refusing to register unless the certificate is produced. This position in practice remains exactly where it was. The definition is there but it remains a pious wish and the registering officer will be left without any means to know, and the party will be left without any means to satisfy him, that he is not a person to whom the Act applies. In these circumstances I submit that clause 8 should require redrafting. That is all that I have to say.

Shri L. Krishnaswami Bharathi (Madras: General): I only rise to answer the speaker who just preceded me. He referred to the question as to how the registering officer can know this is a person to whom the Act applies. There is no difficulty at all. If my honourable friend Mr. Naziruddin Ahmad had carefully gone through part (ii) of clause 2 he would have known that. I would only like to invite his attention to this. Clause 2 reads:

"This Act shall apply to any person.....

(ii) who, in the opinion of any of the Income-tax authorities specified in sub-section (1).....is likely to leave the Provinces of India with the intention of settling in any place outside the Provinces of India, *and in respect of whom a declaration that he is a person to whom this Act applies has been received* from any such Income-tax authority, Custodian of Evacuee Property or Collector by the registering officer of the area in which any property belonging to such person is situate."

Mr. Deputy-Speaker: That is only an alternative—"or". Part (*i*) is an independent one. Part (*ii*) is the second category. His objection is to the first category.

Shri L. Krishnaswami Bharathi: This does not apply to part (*i*). Part (*ii*) refers to a person named in the letter to the registering officer as a person to whom the Act applies. It is only such cases that clause 8 will apply. There is no difficulty. All other persons about whom the registering officer has not received any declaration stating that "this is a person to whom this Act applies" can have their documents registered. There is no difficulty in their cases.

Mr. Naziruddin Ahmad: What about sub-clause (*i*) of clause 2?

The Honourable Dr. John Matthai: With reference to the last point that was raised by Mr. Naziruddin Ahmad the position is this. There are two categories of people one of whom belongs to the definitely ascertainable class of evacuees defined in terms embodied in this Bill and the other are people in respect of whom prior notice has been received by the registering officer from the specified authorities. One is a definitely ascertainable class; the other is a category of people in respect of whom prior notice is received, so that in actual administration there is not likely to be any serious practical difficulty. It is quite conceivable that once this Bill comes into force the Collector of the district would supply the Registration Department with a list of the people who are described as evacuees, so that the question of administration may not create any difficulty.

[Dr. John Matthai]

With regard to what my honourable friend Mr. T. T. Krishnamachari I quite appreciate that in matters of this kind we do run the risk of piece and hasty legislation. When there is an emergency and an ordinance is is to meet it, it is possible that sometimes due care and precaution is not ta I quite appreciate the danger of the situation. In regard to the applica of this Ordinance to provinces Mr. Krishnamachari referred to Madras. was applied to Madras after the approval of the Madras Government had l obtained and that procedure was applied in every case where the ordinance extended. It is not that the Central Government acted on its own respo bility in this matter.

With much of what Pandit Bhargava said I am in complete agreem But I am afraid I do not altogether agree with some of the things he 5 P.M. about the Income-tax Department. They have a very difficult and thr less job. And I think they deserve a little more sympathy than Pandit Bh gava is prepared to extend to them.

Mr. Deputy-Speaker: I will put the amendment to the House.

The question is:

"That the Bill as reported by the Select Committee be circulated for the purpos eliciting opinion there on by the 1st June, 1949."

The motion was negatived.

Mr. Mohd. Tahir (Bihar: Muslim): Sir, I want to speak.

Mr. Deputy-Speaker: Enough discussion has taken place on the amendm and also on the Bill. I am now putting it to vote.

The question is:

"That the Bill to make provision for the payment of taxes before transfers of prop are recognised in certain cases, as reported by the Select Committee, be taken consideration."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on W nesday, the 6th April, 1949.